

LIQUOR COMMISSION
CITY AND COUNTY OF HONOLULU
PACIFIC PARK PLAZA
711 KAPIOLANI BOULEVARD, SUITE 600
HONOLULU, HAWAII 96813

AGENDA – FORTY-SEVENTH MEETING
SPECIAL MEETING

THURSDAY, JUNE 29, 2023
2:00 P.M.

PUBLIC PARTICIPATION AND TESTIMONY

Public testimony may be accepted in writing or in person at the Honolulu Liquor Commission (Pacific Park Plaza, 711 Kapiolani Boulevard, Suite 600, Honolulu, Hawaii 96813).

ORAL TESTIMONY

You do not need to submit written testimony in advance to testify in person at the meeting. The Honolulu Liquor Commission will accept oral testimony on each public hearing agenda item as that item is discussed. Register with the staff at the Honolulu Liquor Commission (Pacific Park Plaza, 711 Kapiolani Boulevard, Suite 600, Honolulu, Hawaii 96813) by 4:00 p.m. on the day of the meeting.

WRITTEN TESTIMONY

Written testimony may be submitted to the Administrator of the Commission at least three (3) working days prior to the date of the meeting via in person, U.S. mail to **Honolulu Liquor Commission, 711 Kapiolani Boulevard, Suite 600, Honolulu, Hawaii 96813**, or e-mail to liquor@honolulu.gov.

VIEWING THE MEETING

Members of the public may view the meeting in person at the Liquor Commission office (Pacific Park Plaza, 711 Kapiolani Boulevard, Suite 600, Honolulu, Hawaii 96813) or by internet live streaming on the Liquor Commission YouTube Channel: (<https://youtube.com/@honolululiquorcommission>)

After the meeting, a video recording and summary of the meeting may be accessed on the Liquor Commission YouTube Channel (<https://youtube.com/@honolululiquorcommission>) and Event Calendar (<https://www.honolulu.gov/liq/event-calendar/month.calendar/>) by selecting the appropriate meeting date.

Within (forty) 40 days after the meeting, the minutes of the meeting will be posted to the Liquor Commission website on our Event Calendar (<https://www.honolulu.gov/liq/event-calendar/month.calendar/>) and may be accessed by selecting the appropriate meeting date. Prior meeting minutes may also be viewed at said website.

MATERIALS AVAILABLE FOR INSPECTION

Meeting materials ("board packet" HRS Section 92-7.5) are available for public inspection. Go to the Liquor Commission Event Calendar and select the meeting date for copies of the agenda and board packet. <https://www.honolulu.gov/liq/event-calendar/month.calendar/>

OTHER BUSINESS:

1. Liquor Commission

Presentation by Hui Chen, Strategic Adviser, of System Review of Liquor Commission Enforcement Section

If you need an auxiliary aid and/or service or other accommodation due to a disability to participate in this event (i.e., sign language interpreter; interpreter for language other than English, or wheelchair accessibility), please call Kris Chu, Administrative Specialist II, at (808)768-7367 or email your detailed request to liquor@honolulu.gov, at least five (5) business days prior to the meeting. Requests made as early as possible will allow adequate time to fulfill your request.

Liquor Administration Enforcement System Review*: Report of Findings & Recommendations

Hui Chen
June 27, 2023

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*Authorized by the Liquor Commission on February 9, 2023, in response to ongoing complaints and upon request by the Liquor Commission and Managing Director's Office.

Purpose*

Respond to ongoing complaints relating to the Enforcement Services Section ("Enforcement")

Assess Enforcement capabilities and practices in light of the issues raised by the complaints

Formulate recommendations relating to existing Enforcement systems and processes based on findings

The review is focused on system and process improvements. It is not intended as investigations of each complaint, and will not make disciplinary recommendations.

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*These were the objectives approved by the Liquor Commission in authorizing this Review on February 9, 2023.

Questions Explored*

Culture	• What is the culture in Enforcement? How does it fit into the overall culture of the Liquor Administration ("LIQ")?
Policies and Procedures	• What policies and procedures exist to guide Enforcement practices?
Recruitment, Training, Evaluation, Promotion	• How does Enforcement recruit its personnel? What training is provided? How is performance evaluated? How are promotions considered?
Enforcement Practices	• What are the criteria and methodology for Enforcement assignments and selection of inspections? What patterns – if any – exist for Enforcement activities?
Complaint Handling	• What is the process for handling complaints against the Liquor Commission and/or Administration staff?

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*This Review is not an investigation seeking to prove or disprove specific allegations. This Review explores open questions relating to the organizational system (e.g. culture, policies, procedures, practices) triggered by ongoing complaints against Enforcement.

Review Methodology

Documents

- Audit Report No. 05-02 (2005) and follow up reports
- Various 2022 and 2023 complaints and presentations from Rob Sobier and Rob Sobieralski
- Standards of Conduct, Administrative Directives, and other policies and procedures provided by LIQ
- Sample reports of Enforcement activities provided by LIQ, including Vehicle Sheets, post-event reports, HPD Work Request, Evidence Report, Daily Activity Reports (DAR), complaints, Violation/Investigative reports, Enforcement Highlights, sign-in sheets, overtime requests
- Copies of interview and promotion questions and sample performance evaluation forms
- Listing of complaints received between 1/1/2021 and 12/31/2022, as provided by LIQ, including some sample complaints.
- Plaintiff's Complaint and settlement demand letter dated 2/16/2023 in the *Scarlet Honolulu, Inc. et al v. Honolulu Liquor Commission et al* matter.

Data

- Select data fields from Daily Activity Report (DAR) data from 1/4/2016 through 3/22/2023: produced in Excel format
- Full list of licenses: produced in Excel format
- Number and types of Level II grievances filed by LIQ employees from 1/1/2021 through 2/28/2023 provided by the Department of Human Resources ("DHR")
- Number and types of complaints filed by LIQ employees from 1/1/2021 through 4/30/2023 as provided by Equal Opportunity Administrator
- Disciplinary actions between 1/1/2021 to 3/16/2022

Interviews

- 15 former and current LIQ employees, including all persons listed as Enforcement Investigators as of 2/23/2023
- All Enforcement Investigator interviews were explicitly voluntary.*

Ride Along: Saturday 5/20/2023 7pm to Sunday 5/21/2023 3am by Review Team member M. Sewell.

*Interviewees were advised at the beginning of the interviews that they may end the interview at any time and may decline to answer any question. None did. Interviewees who were represented by counsel were offered the opportunity to have counsel present either in person or by phone during the interview. None invited counsel.

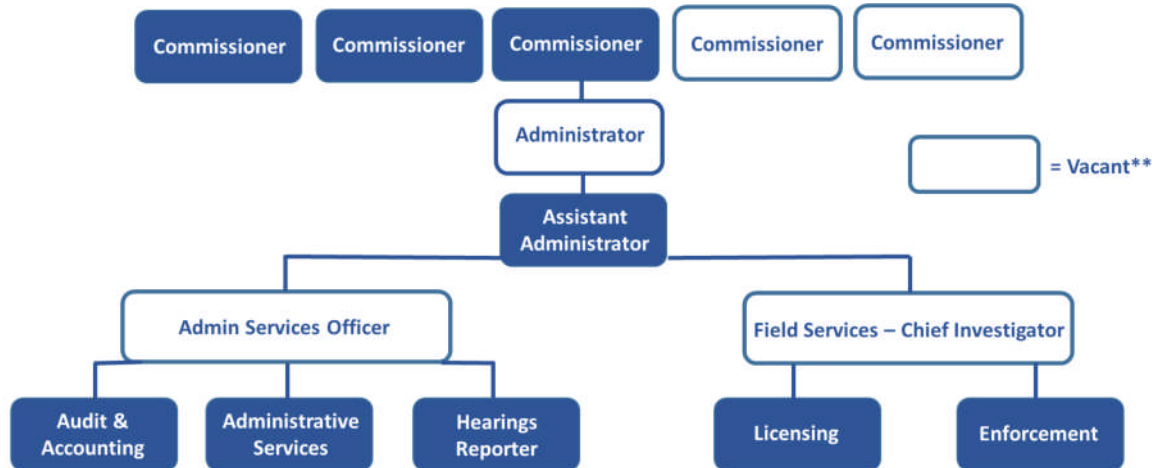
Review Team



Background and Context

Overview of Structure

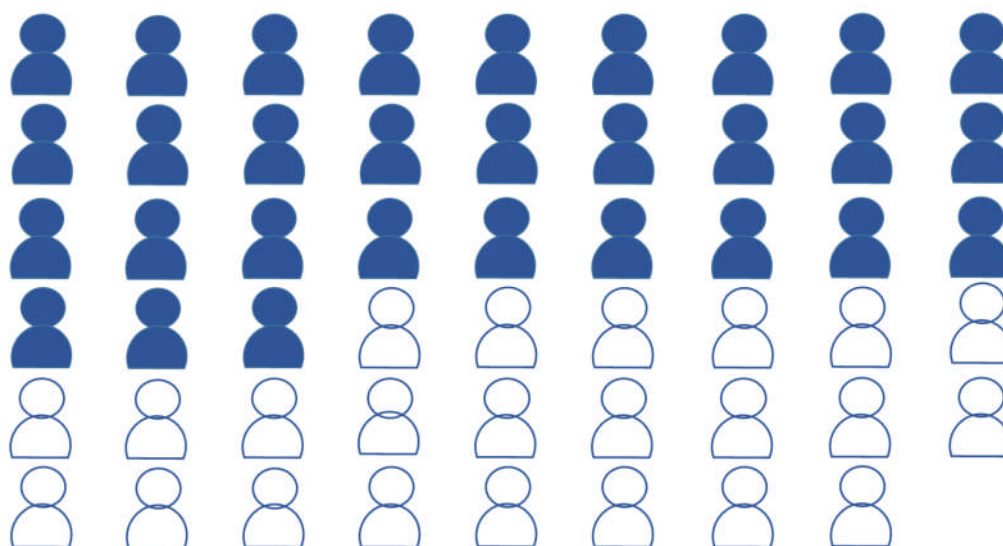
LIQ Organization Structure*



*Reviewer simplified version of org charts provided by LIQ.

**As of 6/6/2023

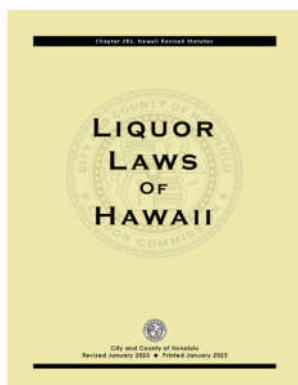
53 positions, 23 vacant (as of February, 2023)*



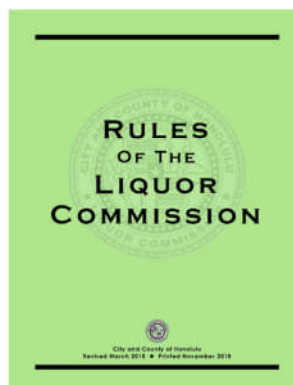
8

*Number of positions and vacancies provided by LIQ.

Laws and Rules Being Enforced



§281-20 General right of inspection. Any investigator may, at all times, without notice and without any search warrant or other legal process, visit and have immediate access to every part of the premises of every licensee for the purpose of making any examination or inspection thereof or inquiry into the books and records therein, to ascertain whether all of the conditions of the license and all provisions of this chapter are being complied with by the licensee. [L. Sp 1933, c 40, §10; RL 1935, §2579; RL 1945, §7230; RL 1955, §159-19; HRS §281-20; am L 1986, c 344, §14; am L 1990, c 171, §7; am L 2022, c 76, §5]



§3-81-20. GENERAL RIGHT OF INSPECTION. Without notice, search warrant, or other legal process, a licensee shall provide an investigator immediate access to every part of the licensed premises for the purpose of making an examination or inspection thereof of items related to the licensee's compliance with the liquor laws or rules. Except as prohibited by laws governing confidential or protected information, said examination or inspection shall include, but not be limited to, any books and records of the licensee kept on the licensed premises which relate to the licensee's compliance with the liquor laws or rules. Items discovered during such examination or inspection shall be used for the purpose of enforcement of the liquor laws or rules. 9

Mission Statement *

We, the men and women of the Honolulu Liquor Commission, are firmly committed to provide outstanding regulatory services to enhance the quality of life in the City and County of Honolulu, and to create a safe and healthy environment for the public.

We are proudly guided by these principles

ACCOUNTABILITY

We hold ourselves to the highest levels of accountability and ethical standards. We work relentlessly to achieve excellence in the community that we serve.

TRANSPARENCY

We pride ourselves in maintaining a high degree of transparency and openness in our operations. We welcome all to participate and to be heard. We understand that the public's trust is something that is not given, but EARNED.

DILIGENCE

We work diligently to ensure that the liquor laws of the State of Hawaii and the Rules of the Liquor Commission are administered fairly and equitably to protect the health, safety, and community welfare of the citizens of the City and County of Honolulu.

Vision

The Honolulu Liquor Commission is dedicated to extending its scope of services to our licensees, partner law enforcement agencies, and the public through enhanced technologies, increased efficiency, and broader community outreach. We will continue to develop as a model agency for other states, cities, and municipalities.

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*As shown on LIQ website 6/6/2023.

FY24 PERFORMANCE METRICS*

Enforcement

- Decrease number of days it takes to investigate and close public complaints.

Licensing

- Under Act 76 (SLH 2022) requirements, establish baseline average processing time for license applications (to formulate subsequent improvement metrics).

Audit

- Develop monthly virtual/interactive GLS training for new/transfer licensees; improve annual GLS workshop for all licensees.

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*As provided by LIQ.

Culture

What is the culture in the Enforcement Section? How does it fit into the overall culture of the Liquor Administration (“LIQ”)?

Enforcement Statistics*

Total Number of Licensees (as of 2/15/23): 1,463

Manufacturer	7
Brewpub	12
Small Craft Producer Pub	9
Wholesale Dealer	28
Retail Dealer	516
Restaurant	573
Dispenser	216
Club	13
Cabaret	11
Tour/Cruise Vessel	23
Hotel	52
Condominium Hotel	2

Complaints Investigated FY22: 300+
 Premises Inspected FY22: 6,500+
 Written Warnings FY22: 225+
 Violations FY22: 390+

Staffing & Caseload:** **33% of Capacity**

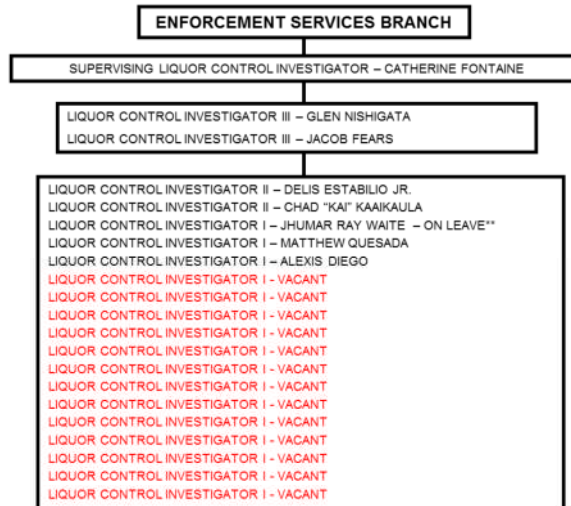
- Number of Active Enforcement Investigators as of 2/15/23 = 7
- Average licensee/investigator = 209
- Number of Enforcement Investigator Positions = 21
- Average licensee/investigator if fully staffed = 69.67

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*The summary statistics on the left were provided by LIQ.

**Number of active investigators and positions provided by LIQ; calculation by Reviewer.

Enforcement Org Chart as of 2/23/2023*



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*Provided by LIQ

**On paid leaved since 2/9/2023

Enforcement Culture

Isolated: work hours (7pm-3am, Tuesday-Saturday) isolates it from the rest of LIQ

Embattled: subject of vocal complaints and disclosure of personal information

- Staff indicated issues with low moral, understaffing, and low pay.

Internally dependent: rely on each other for work performance and safety

- Supervisors described by some as being sensitive to criticism and "cliquey"

Absence of consistent policies, procedures, methodologies

- Staff indicated they felt no sense of purpose, no standard to meet, and no clear objectives
- Staff indicated lack of institutional knowledge
- Staff indicated that enforcement practices often change: "flavor of the month", "flavor of the week"*

Absence of structured training and clear performance evaluation criteria

Paper-based activity tracking systems creates inefficiencies and inaccuracies

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*Quotations in this report indicate the best recollection of the Reviewer from interviews: they are not necessarily always exactly quotes.

Broader LIQ Culture

Lacks leadership, consistency, and institutionalized practices

- Staff indicated that whenever new leaders come into position, everything starts “from scratch”*.

Siloed: staff reported that each section feels separate and there was no teamwork

Conflicts, hostility, distrust

- 6 internal complaints** (2021-2022): 5 involve Licensing.
- Licensing reported*** 15 complaints (2021-2022), 13 of which were Licensing complaints against other parts of LIQ, mainly Front Desk.
- Two individual Level II grievances: from same individual in Licensing
- Six disciplinary actions, all but one involve Licensing Investigators, two of whom each had two matters.
- Tension between Licensing and Enforcement, and between Licensing and Front Desk
- Complaint to the union re: insufficient training on new system
- One pending EEOC/HCRC complaint from one Enforcement investigator

HPD legacy and influence in policies, procedures, practices, personnel, especially in Field Services

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*Quotations in this report indicate the best recollection of the Reviewer from interviews: they are not necessarily always exactly quotes.

**Complaints categorized as “Internal Affair” complaints coming from internal sources.

***In response to Reviewer request for listing of complaints, supervisors interpreted the request differently. Some listed complaints they received, some listed complaints they are aware of (received or made).

Policies & Procedures

What policies and procedures exist to guide Enforcement practices?

Policy & Procedures Framework

Standards of Conduct

- Topics: types of misconduct such as physical abuse, substance abuse, etc.
- Date: Revised June 2022

105 AP's [AP-1 to AP-105]

- Topics: range from smoking policy to filing fees to outside employment
- Dates: 1993 - 2007

17 Ps [P-01 to P-17]

- Topics: ranges from complaint intake to firearms to progressive discipline
- Dates: 2006 - 2007

14 L's [L101-114]:

- Topics relate to Licensing: e.g. liquor stock report, change of category and classification
- Dates: 1993 - 2000

14 I's [I-151 to I-164]

- Topics relate to Enforcement: e.g. Report writing, radio system
- Dates: 1994 - 2001

4 93's [93-1 to 93-4]:

- Topics: payroll, counter hours, executive session minutes, gross sale reports.
- Dates: 1993-1998

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Policies & Procedures: Observations

Outdated

Not
Applicable

Poorly
Written

Not
Known

Not
Followed

Repetitive

Policies & Procedures: Examples*

Outdated

- Most recent AP/AD = 2007
- Superseded policies remain on the book: P-1 (2006) superseded AP-15 (1996).

Not Applicable

- AP-63 "Physical Lineups and Photographic Identifications"
- P-08 "Firearms"
- P-17 "Applicant for Search Warrant"
- LIQ Investigators do not conduct lineups, carry firearms, or apply for search warrants

Poorly Written

- P-14 "Progressive Discipline": evidence is required only "if applicable" in investigations
- Mandates tasks without identifying owners (examples in Complaint Handling Section)

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*These are examples – not exhaustive listing – of policies and procedures which fit the descriptions of the observations.

Policies & Procedures: Examples*

- Staff indicated they would not know where to find policies and procedures even if they wanted to.
- Almost all unaware of certain policies such as AP-41 ("Bias Based Profiling") or P-07 ("Management of Aggressive Behavior")
- Wrote up protocols on warnings instead of referring to AP-25
- AP-53: mandates annual goals and objectives
- AP-54: requires Investigator III to spend 50% time on licensing
- AP-41: requires "Bias Based Profiling" content in basic and all in-service training.
- AP-93: requires monthly production of 12-month training schedule
- AP-54 (2006) and I-152 (1993) both titled "Scope of Authority," but the later document did not reference the earlier. I-152 only addressed Enforcement procedures.
- AP-42 (2006): "Code of Ethics". Unclear how it relates to the Code of Conduct?

Not
Known

Not
Followed

Repetitive

21

*These are examples – not exhaustive listing – of policies and procedures which fit the descriptions of the observations.

Policies and Procedures – Outside of Formal Framework

Informal protocols by supervisors/trainers

- Supervisors/trainers wrote up their own descriptions of operational protocols for training and in response to Review request: "Day Duties", "Assignments", "Complaint Intake Process", "Written Warnings", "Daily Activity Reports"

Policies by email

- Audit principles and procedures: documented only as email and/or in personal folders. Not indexed or posted either internally or externally.
- An employee citing "Tammy's email dated, August 14, 2018, titled Date/Time Stamp procedure for New/Temporary/Transfer Applications" as policy.*

Policies by copy & paste

- Standards of Conduct bears striking resemblance to HPD Standards of Conduct**:
 - Stresses "command", "orders be obeyed", "LOYALTY",
 - Forbids "COWARDICE" and "MISTREATMENT OF DETAINEES"
- Many policies seemed to be written for a police department

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*Tammy presumably referred to Tammie Uyechi, Administrative Services Officer II at the time.

**HPD Standards of Conduct: <https://www.honolulupd.org/wp-content/uploads/2020/01/StandardsOfConduct-03-21-2017-20-10-41.pdf>

Rules of the Liquor Commission (Last revised March 2018): Needs to be Modernized?

§3-82-38.2. Liquor Laws and Rules on Licensed Premises. Every licensee (except special licensees, transient vessel per day, and caterer) shall have a current copy of the statutes relating to intoxicating liquor and the rules of the Commission in English available at all times on the licensed premises. Customers shall be entitled to examine the statutes and rules upon request

Must this be a paper copy or can it be an electronic PDF or simply a computer connected to the internet?

Paper time card appears to be the acceptable default: electronic system requires approval.

§3-82-38.4. Employee Records. (a) All dispenser, cabaret, hotel, club, restaurant, brewpub, condominium hotel, winery, bring-your-own-beverage, and small craft producer pub licensees, including temporary licenses, shall have available on the licensed premises a time card or other adequate record showing in English the month, day, year, and time, indicating a.m. or p.m. and the legal first name and surname of each employee when that employee is on duty. This rule also applies to managers but does not apply to entertainers or kitchen staff who do not handle, serve or sell liquor.

(b) Time record entries shall be made at the time the employee reports on duty and again when the employee goes off duty. If the employee is a minor, the licensee shall print on the time record below the employee's name that said employee is a minor. Employee time records shall be preserved for at least six months.

(c) Electronic or otherwise recorded payroll registration may be used for the purposes of this rule with the Administrator's approval.

Recruitment, Training, Evaluation, Promotion

How does Enforcement recruit its personnel? What training is provided? How is performance evaluated? How are promotions considered?

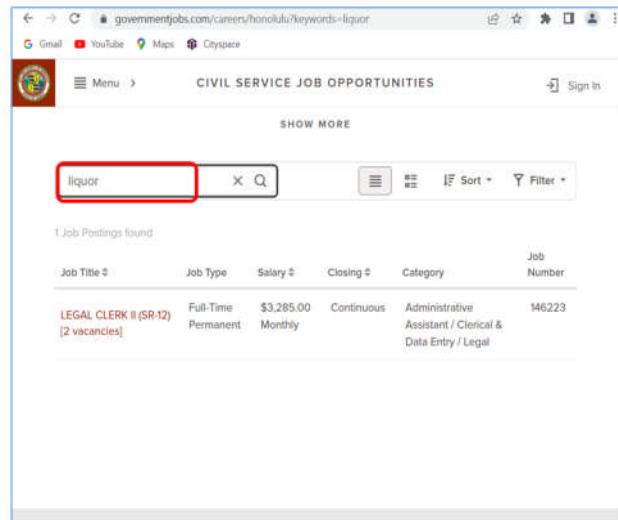
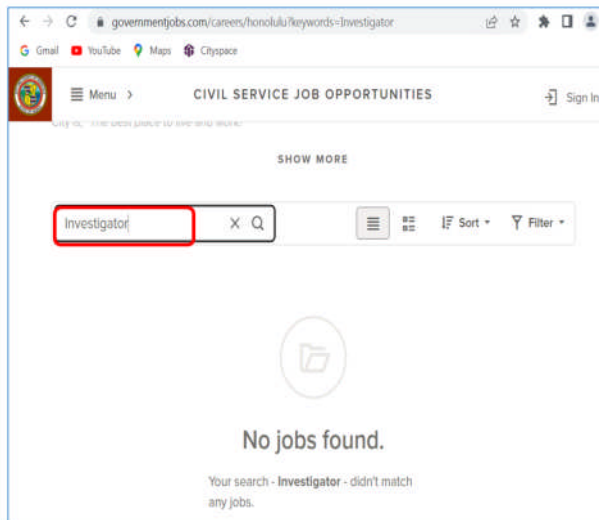
Recruitment

Limitations	Reactive	Law Enforcement Orientation	Long process
<ul style="list-style-type: none">• Low Pay: entry level \$46K/year• Limited vertical advancement• Night schedule• Visibility and public scrutiny	<ul style="list-style-type: none">• Relying on people to search for the job• Word of mouth	<ul style="list-style-type: none">• Entry level: People interested in law enforcement jobs• Contractors: People retired from law enforcement jobs	<ul style="list-style-type: none">• Can and reportedly have lost viable candidates• City average time from referral (candidate list sent from DHR to department) to selection (offer made) = 46 days; range = 5 to 108 days.*

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*Data from 2022 to March 2023

Search on City's Website (6/6/2023)



Google Search (6/6/2023)

google.com/search?q=Honolulu+Liquor+Control+Investigator&rlz=1C1GCEU...

Gmail YouTube Maps Cityspace

Google

Honolulu Liquor Control Investigator

News Salary License renewal Jobs Appointment Images Videos Maps Shopping

About 1,260,000 results (0.52 seconds)

governmentjobs.com
https://www.governmentjobs.com/jobs/newprint

liquor control investigator i (sr-16)

Inspects premises where intoxicating liquors are manufactured, sold, and/or consumed and enforces applicable State and local liquor laws, rules, and regulations ...

https://agency.governmentjobs.com/job/bulletin

liquor control investigator i (sr-16)

Inspects premises where intoxicating liquors are manufactured, sold, and/or consumed and enforces applicable State and local liquor laws, rules, ...

Honolulu (.gov)
http://www11.honolulu.gov/msuAlphaSearch3

Title Description	Title Code	Salary Range	BU	Min	Max
LINE ELECTRICIAN SUPERVISOR II	090186	F2-12	02	\$6860	\$68...

governmentjobs.com/careers/honolulu/jobs/newprint/2566468

Gmail YouTube Maps Cityspace

City and County of Honolulu
LIQUOR CONTROL INVESTIGATOR I (SR-16)

SALARY \$3,447.00 Monthly LOCATION Oahu, HI

JOB TYPE Full-Time Permanent JOB NUMBER 05190

DEPARTMENT Human Resources OPENING DATE 09/15/2019

CLOSING DATE 9/21/2020 3:20 PM Hawaii

Position Information

Inspects premises where intoxicating liquors are manufactured, sold, and/or consumed and enforces applicable State and local liquor laws, rules, and regulations. Investigates apparent or suspected liquor law violations and prepares reports on findings. Performs other related duties as required.

Additional Job Information

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Training

Two-week in-office Enforcement training before being sworn-in

- 1-on-1 instruction by contractor or supervisor
- Most only recalled training on liquor laws and regulations and report writing
- Some recalled Power Point presentations on organization, mission, Standards of Conduct
- Some recalled being given Standards of Conduct without explanation
- No Enforcement personnel mentioned the administrative directives
- No training on topics such as communications or de-escalation

On the job training: Probationary investigators must ride with a shift supervisor

Past training opportunities (as reported by interviewees)

- Statewide liquor control conferences; mock trial; substance abuse; Narcan; behavioral analysis


Reports: no standard template, only samples. "Everybody does it a bit differently"

Everyone wants more training

- Staff indicated need for more training, more structured training, and recurring training.

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From LIQ's budget presentation (March 2023)



INVESTIGATOR TRAINING INITIATIVES

- PATC Calming the Fire: Principles for De-Escalation & Understanding People **NEW**
- National Certified Investigator & Inspector Training Council (CLEAR) **NEW**
- Public Agenda Training Council Internal Affairs Conference
- National Liquor Law Enforcement Association Annual Training Symposium
- State Liquor Investigators Workshop

FY24 Investigator Training Expense \$48,250
increased from FY23 budgeted amount of \$20,000 (141% increase)

10/27/24 AM
Speaking: Anna Hirai, Assistant Administrator, Liquor Commission 10/27/24

Performance Evaluation

No goals and objectives

No documented standard for passing probation

Staff indicated that there was no "formal sit down"* for evaluation, but more like a "mental note"* about who is performing well.

Staff indicated they were not aware of criteria for evaluation, and believed it was likely based on the supervisor's feeling.

Staff indicated that they saw nothing that would prevent promotions.

Performance Evaluation Form**

FACTOR	RATING		
Quality of Work	<input type="checkbox"/> SAT	<input type="checkbox"/> SUBSTD	<input type="checkbox"/> NA
Quantity of Work	<input type="checkbox"/> SAT	<input type="checkbox"/> SUBSTD	<input type="checkbox"/> NA
Reliability and Initiative	<input type="checkbox"/> SAT	<input type="checkbox"/> SUBSTD	<input type="checkbox"/> NA
Safety and use of equipment	<input type="checkbox"/> SAT	<input type="checkbox"/> SUBSTD	<input type="checkbox"/> NA
Relationship with others	<input type="checkbox"/> SAT	<input type="checkbox"/> SUBSTD	<input type="checkbox"/> NA
Job knowledge	<input type="checkbox"/> SAT	<input type="checkbox"/> SUBSTD	<input type="checkbox"/> NA

The following factors apply to supervisors only. Note some factors may not apply to specific positions

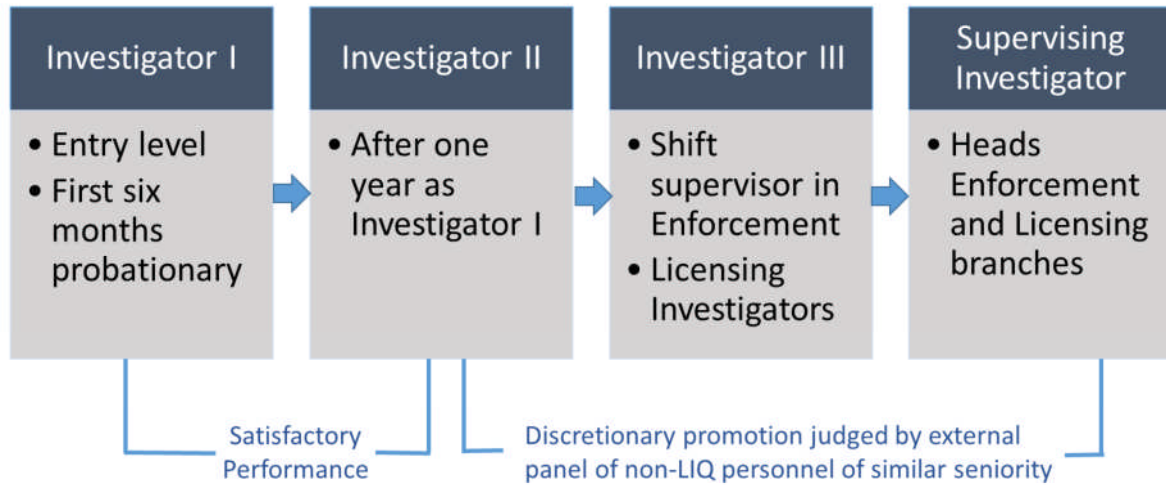
FACTOR	RATING		
Communication	<input type="checkbox"/> SAT	<input type="checkbox"/> SUBSTD	<input type="checkbox"/> NA
Problem solving and decision making	<input type="checkbox"/> SAT	<input type="checkbox"/> SUBSTD	<input type="checkbox"/> NA
Creativity and innovation	<input type="checkbox"/> SAT	<input type="checkbox"/> SUBSTD	<input type="checkbox"/> NA
Supervision	<input type="checkbox"/> SAT	<input type="checkbox"/> SUBSTD	<input type="checkbox"/> NA
Appraising subordinates	<input type="checkbox"/> SAT	<input type="checkbox"/> SUBSTD	<input type="checkbox"/> NA
Planning, organizing and setting priorities	<input type="checkbox"/> SAT	<input type="checkbox"/> SUBSTD	<input type="checkbox"/> NA

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*Quotations in this report indicate the best recollection of the Reviewer from interviews: they are not necessarily always exactly quotes.

**Standard City Evaluation Form: not unique to LIQ

Promotion



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Interview Questions for Liquor Investigator III (May 3, 2022)

8 Areas of Assessment (11 Questions):

- Leadership Experience
- Team Player
- Ethics and integrity
- Honesty, trustworthiness
- Dealing with others
- Law, Ordinances, Rules
- Interpersonal communications
- Oral Communication

Question #8: **

What are some of the basic contents of the Miranda warnings?

Competency assessed: Team player. One of the most difficult, yet rewarding aspects of a Liquor Control Investigator is building professional relationships with our partner law enforcement agencies and other governmental agencies. These relationships are often difficult to build and maintain, and can be sometimes destroyed due to professional conflicts or mere personal perceptions.

Question #2:

- Tell me about your experience working with our local law enforcement partners and other governmental agencies.
- What you have done to foster and build those relationships.
- What, if any difficulties in building these relationships have you come across and how did you overcome them?

Competency Assessed: Laws, Ordinances, Rules. Understand and interpret laws, ordinances, rules and regulations, and policies.

Question #7: **

- What are the rights afforded under the Fifth Amendment of the US Constitution?
- Describe how the Fifth Amendment of the US Constitution impacts how you would do your job at the Honolulu Liquor Commission. Please provide details.

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*Emphasis on collaboration with law enforcement agencies over internal stakeholders.

**These questions bear little relevance to either Enforcement or Licensing Investigators' work.

Interview Questions for Supervising Liquor Control Investigator (undated)

8 Areas of Assessment (8 Questions):

- Technical Language
- Leadership
- Work Ethics
- Honesty and Compassion
- Legal Knowledge
- Agency Goals & Objectives
- Oral Communications
- Writing Skills

- Questions 1-4 elicit personal experience narratives: "Tell us about a time when..."
- Question 5-6 are "knowledge tests"
- Question 7 is based on performance at the interview
- Question 8 is based on a writing sample to be completed on the spot in 15 minutes

What was the landmark 4th Amendment United States Supreme Court ruling in 1968 that has set the legal standard and expectations of law enforcement officers when conducting investigative stops, and what was the legal standard established? Can you define what that legal standard is? (*Pause for Response)

Please describe how that legal standard dictates what Liquor Control Investigators do, and in what situations it would play heavily into the validity of your subordinate's investigation.

*

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*This question bears little relevance to either Enforcement or Licensing Investigators' work.

Enforcement Practices

What are the criteria and methodology for Enforcement assignments and selection of inspections? What patterns – if any – exist for Enforcement activities?

Enforcement: Shift Overview

Hours: 7pm – 3am, Tuesdays through Saturdays

- Day shift is more exception than norm: serving papers, vehicle maintenance, attending hearing, etc.

Team Assignments

- Island divided into 8 districts that parallels HPD district & beat boundaries*
- Shift supervisors assign districts and partners: no standard rotation due to understaffing
- Probationary investigators must partner with a supervisor

Tasks: investigate complaints, service legal papers, regulatory inspections

Once in assigned district, no methodology for selecting inspection sites:

- Some investigators indicated they would park somewhere and walk around
- Some investigators indicated they would pick random places that they believed not to have been inspected in a while
- Some investigators indicated they would observe which establishments were crowded and which were not
- Some investigators would look to see if an establishment looked extra busy and go find out why
- No formal process for recusal (e.g. prior relationship with licensees, etc.)
- Efforts to diversify inspection sites based on review of paper DARs and hearing calendar
- No set or minimum number of inspections

Shoulder taps: minors purchasing alcohol

- Question whether citations are sustained by Prosecuting Attorneys?

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*Policy AP-47 (2006)

Daily Activity Reports (DARs)

Paper Based

Data entered into electronic system at the end of the shift

LIQUOR COMMISSION OF THE CITY AND COUNTY OF HONOLULU
PREMISES INSPECTION LOG

INVESTIGATOR	INVESTIGATOR C	DATE	02-09-23
OUT	3:45 PM	IN	3:00 PM
LIC #	T6N489	DISTRICTS	East
		CELL	2
		RADIO	11616
		MISC	
		PREMISES / ADDRESS	
1.	X1001	START OF SHIFT	19:00 20:58
2.	R00240	Izakaya Naru	2110 -
3.	M.G.	LCN # 2021-0436 DIO served	- 2119
4.	D01051	University STOP (S/T)	2121 2141
5.	R00306	Yard House	2255 -
6.	M.G.	LCN # 2022-0016 DIO served	- 2307
7.	D0215	Royal Mini Mart (S/T)	2315 2335
8.	R01101	Ja Kai chi Restaurant	2345 -
9.	D.E.	NOV # 28838 3-82-34.9 (A)	VO: 210135 VT: 2351 - 2357

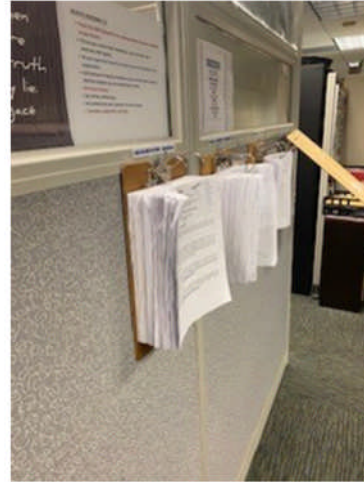


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*Investigator names – other than as displayed in the org chart on slide 14 - have been redacted in this report.

Paper-Based Time & Activities Tracking

- Paper DARs
- Paper evidence log
- Paper vehicle forms
- Paper complaint assignments
- Paper time sheets: a printed Excel spreadsheet for each section. Employees write in and out time.
- Paper overtime (“OT”) requests: paper slip completed by employees and signed by supervisor; checked against paper time sheets
- No evidence that anyone checks DARs against time sheets or OT requests
 - Example: Three investigators submitted OT for 10/11/2020; one had no corresponding DAR entries for that day.



Current use of data

Capacity to generate certain Enforcement-specific reports:

- Inspection count by services/classes/licenses
- Top licenses with highest inspection counts
- Top inspection types
- Violation summary
- Inspection for unlicensed

Used mostly to respond to inquiries

Limitation: data inconsistencies and inaccuracies

G Drive > LIQ > General > Access
(among many other DBs) > reports

The screenshot shows a web application interface with a grid of report links. A red box highlights a column of reports on the right side of the grid. The reports in the highlighted column are:

- Inspection Counts by Services
- Inspection Counts by Classes
- Outstanding Fines
- Inspection Counts by Licenses
- Top Licenses with The Highest Inspection Counts
- Top Inspection Types
- Violation Summary
- Inspection for Unlicensed

The grid also includes other reports such as License without a Manager, Change History, Payments of Fines, License with Manager expires soon, Transfer & Trade Name Change, Citation Issued, Expiring Manager Letter, New Licenses Issued, Citation Issued by Address, Late Semi Annual, License Renewed, NOW Adjudicated, Employee Registration Count, Licenses in Pending, Inspection Counts by Services, Temp License Registration, License in Safe Keeping, Inspection Counts by Classes, Terminated Employment, License Not Renewed List, Outstanding Fines, Semi Annual 2nd Notice Letter, License Renewed List, Inspection Counts by Licenses, Filing Labels to Corp Address, Special non-profit license listing, Top Licenses with The Highest Inspection Counts, S162 Filing Label by DBA to Corp Address, List for Tax Office, Top Inspection Types, Active Authorize Agent, Active Licenses Listing, Violation Summary, Daily Registration, PRE-TAX CLEARANCE LICENSE LIST, Inspection for Unlicensed, Citation List for Auditing, Email Listing Entry, and Update Email Listing.

DAR Data

Review Process

- Received all data in Excel format: converted from SQL data by Department of Information Technology ("DIT") Specialist
- First DAR data set 1/1/2021 – 2/28/2023 (28831 lines)
- Second DAR data set 1/1/2016 – 3/22/2023 (87938 lines)
- List of licenses issued 5/24/1919 – 4/6/2023 (18303 lines)*
- Consolidated entries of the same business location, and time-in from the DAR data by different investigators: but unable to consolidate all due to data discrepancies (e.g. inconsistent coding, misspelled licensee/location)

Issues

- Paper DAR: sometimes in-out time not recorded
- Entry errors
- Coding inconsistencies
- Drive-by's
- Retroactive entry modification

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*License data includes "Issue Date" (=the date the license was first issued), "Start Date" (= the date the license is most recently renewed) and "Expiration Date" (= the date the license expires). License date range provided above is based on Issued Date of the licenses.

Entry errors: one inspector, one day

Time In	Time Out
9/29/2022 0:51	9/29/2022 10:53

Unlikely to have spent 10 hours on location

Address	Time In	Time Out
2280 KUHIO AVE	9/29/2022 2:09	9/29/2022 2:09
100 N. BERETANIA ST, SUITE 108	9/29/2022 2:10	9/29/2022 2:11
407 KAPAHULU AVE	9/29/2022 22:48	9/29/2022 23:01
92-1185 ALIINUI DR	9/29/2022 23:00	9/29/2022 23:16
2919 KAPIOLANI BLVD, #106	9/29/2022 22:19	9/29/2022 22:38
4561 SALT LAKE BLVD	9/29/2022 22:28	9/29/2022 22:37

Impossible distance to cover in one minute

Second inspection started before the prior one ended

“Service Type” Coding

Service Type	DAR Entry Count
NORMAL INVESTIGATION	34575
NOT-SPECIFIED	6473
OTHER MISC.	4111
COMPLAINT	1336
FINDING OF FACT - DECISION AND ORDER	1017
LEGAL SERVICE-NOTICE OF HEARING	765
LATE GLS	469
WARNING FOLLOW-UP	457
SPECIAL OPERATION	248
AUDIT FINDINGS	179
LEGAL SERVICE-STIPULATION AND WAIVER	137
FIELD SERVICE	120
SPECIAL EVENT	95
SUBPOENA	10
GLS-UNPAID ADDITIONAL FEE	7
LEGAL SERVICE-DISCLOSURE	4
Grand Total	50003

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Coding: “Normal Investigation”

Service Type	Business Class	Zip Code	Time In	Time Out	comments
NORMAL INVESTIGATION	TOUR/CRUISE VESSEL	96815	9/17/2022 19:27	9/17/2022 20:30	[modified for display]* Complaint # [modified for display]*
NORMAL INVESTIGATION	DISPENSER	96797	9/17/2022 21:25	9/17/2022 21:35	R.W. NOV # [modified for display]* Served
NORMAL INVESTIGATION	RETAIL	96701	9/17/2022 22:15	9/17/2022 22:35	S/T**
NORMAL INVESTIGATION	RETAIL	96814	9/17/2022 23:07	9/17/2022 23:27	S/T**
NORMAL INVESTIGATION	RETAIL	96816	9/17/2022 23:35	9/17/2022 23:55	S/T**

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*Comments have been modified from the raw data for display to remove complaint and violation numbers

**S/T = “Shoulder Tap”

Coding: “Not Specified”

Service Type	License Name	Class	Zip	Date	Time-in	Time-out	COMMENTS
NOT-SPECIFIED	MISC. ADMIN.	UNLICENSED PREMISE	96815	9/17/2022	02:30	03:00	10-1
NOT-SPECIFIED	MISC. ADMIN.	UNLICENSED PREMISE	96815	9/17/2022	01:11	02:02	10-1/ Report Writing
NOT-SPECIFIED	MR. OJISAN	DISPENSER	96826	9/17/2022	23:16	23:20	
NOT-SPECIFIED	MISC. ADMIN.	UNLICENSED PREMISE	96815	9/17/2022	01:00	01:55	
NOT-SPECIFIED	MISC. ADMIN.	UNLICENSED PREMISE	96815	9/17/2022	04:08	04:30	
NOT-SPECIFIED	MISC. ADMIN.	UNLICENSED PREMISE	96815	9/17/2022	02:30	02:50	
NOT-SPECIFIED	TEMP EMP REGISTRATION	UNLICENSED PREMISE	96815	9/17/2022			
NOT-SPECIFIED	TEMP EMP REGISTRATION	UNLICENSED PREMISE	96815	9/17/2022			
NOT-SPECIFIED	MISC. ADMIN.	UNLICENSED PREMISE	96815	9/17/2022	03:31	03:00	10-1
NOT-SPECIFIED	TEMP EMP REGISTRATION	UNLICENSED PREMISE	96815	9/17/2022			
NOT-SPECIFIED	MISC. ADMIN.	UNLICENSED PREMISE	96815	9/17/2022	02:34	03:00	End of Shift
NOT-SPECIFIED	MISC. ADMIN.	UNLICENSED PREMISE	96815	9/17/2022	00:23	01:18	Resume
NOT-SPECIFIED	MISC. ADMIN.	UNLICENSED PREMISE	96815	9/17/2022	20:43	21:33	Back to Office Ride w/ [modified for display]
NOT-SPECIFIED	TEMP EMP REGISTRATION	UNLICENSED PREMISE	96815	9/17/2022			
NOT-SPECIFIED	MISC. ADMIN.	UNLICENSED PREMISE	96815	9/17/2022	02:34	03:00	10-1
NOT-SPECIFIED	MISC. ADMIN.	UNLICENSED PREMISE	96815	9/17/2022	23:33	01:48	10-1
NOT-SPECIFIED	TEMP EMP REGISTRATION	UNLICENSED PREMISE	96815	9/17/2022			
NOT-SPECIFIED	SAFEWAY STORES NO. 214	RETAIL	96701	9/17/2022	22:15	22:35	S/T
NOT-SPECIFIED	7-ELEVEN STORES NO. 54274	RETAIL	96814	9/17/2022	23:06	23:26	S/T
NOT-SPECIFIED	WANG CHUNG'S	DISPENSER	96815	9/17/2022	02:11	02:13	Closed
NOT-SPECIFIED	THE CHEESECAKE FACTORY	RESTAURANT	96815	9/17/2022	02:08	02:10	Closed
NOT-SPECIFIED	THAI ISSAN WAIKIKI	RESTAURANT	96815	9/17/2022	02:06	02:06	Closed
NOT-SPECIFIED	MISC. ADMIN.	UNLICENSED PREMISE	96815	9/17/2022	04:08	04:30	End of Shift
NOT-SPECIFIED	MISC. ADMIN.	UNLICENSED PREMISE	96815	9/17/2022	02:34	02:50	Now Partnered With INVESTIGATOR C, INVESTIGATOR G, and INVESTIGATOR E
NOT-SPECIFIED	MISC. ADMIN.	UNLICENSED PREMISE	96815	9/17/2022	23:34	01:55	Report Writing
NOT-SPECIFIED	TEMP EMP REGISTRATION	UNLICENSED PREMISE	96815	9/17/2022			

Post 2am Drive-By*

Same site
Same day
Different teams
Different codes

Service Type	Class	Zip	Date	Time-in	Time-out	COMMENTS
NORMAL INVESTIGATION	RESTAURANT	96816	9/17/2022	02:03	02:04	Closed
NORMAL INVESTIGATION	BREW PUB	96817	9/17/2022	02:05	02:06	Closed
NORMAL INVESTIGATION	DISPENSER	96816	9/17/2022	02:05	02:11	Closed
NORMAL INVESTIGATION	RESTAURANT	96815	9/17/2022	02:06	02:06	Closed
NOT-SPECIFIED	RESTAURANT	96815	9/17/2022	02:06	02:06	Closed
NORMAL INVESTIGATION	BREW PUB	96826	9/17/2022	02:07	02:07	Closed
NORMAL INVESTIGATION	BREW PUB	96826	9/17/2022	02:07	02:07	Closed
NORMAL INVESTIGATION	RESTAURANT	96815	9/17/2022	02:08	02:10	Closed
NOT-SPECIFIED	RESTAURANT	96815	9/17/2022	02:08	02:10	Closed
NORMAL INVESTIGATION	DISPENSER	96817	9/17/2022	02:09	02:10	Closed
NORMAL INVESTIGATION	RESTAURANT	96817	9/17/2022	02:11	02:13	Closed
NORMAL INVESTIGATION	DISPENSER	96815	9/17/2022	02:11	02:13	Closed
NOT-SPECIFIED	DISPENSER	96815	9/17/2022	02:11	02:13	Closed
NORMAL INVESTIGATION	RESTAURANT	96816	9/17/2022	02:12	02:12	Closed
NORMAL INVESTIGATION	RESTAURANT	96816	9/17/2022	02:12	02:12	Closed
NORMAL INVESTIGATION	RESTAURANT	96816	9/17/2022	02:14	02:14	Closed
NORMAL INVESTIGATION	RESTAURANT	96816	9/17/2022	02:14	02:14	closed
NORMAL INVESTIGATION	DISPENSER	96817	9/17/2022	02:14	02:15	Closed
NORMAL INVESTIGATION	RESTAURANT	96826	9/17/2022	02:18	02:19	Closed
NORMAL INVESTIGATION	RESTAURANT	96826	9/17/2022	02:20	02:21	Closed
NORMAL INVESTIGATION	DISPENSER	96814	9/17/2022	02:22	02:23	Closed
NORMAL INVESTIGATION	RESTAURANT	96814	9/17/2022	02:24	02:25	Closed

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*Investigators drive/walk by establishments that are required to close at 2:00am to see if they are in fact closed for business.

One restaurant, one day, 12 entries, 4 inspectors

Investigator Count	serviceType	timeIn	timeOut	notice	noticeType	ruleCode
4	COMPLAINT	8/11/2022 22:17	8/11/2022 23:21	28894 VIOLATION		3-82-38.5(b)
4	COMPLAINT	8/11/2022 22:17	8/11/2022 23:21	28894 VIOLATION		3-82-38.5(b)
4	COMPLAINT	8/11/2022 22:17	8/11/2022 23:21	28894 VIOLATION		3-82-38.5(b)
4	COMPLAINT	8/11/2022 22:17	8/11/2022 23:21	28894 VIOLATION		3-82-38.5(b)
4	COMPLAINT	8/11/2022 22:17	8/11/2022 23:21	28893 VIOLATION		3-82-38.4(c)
4	COMPLAINT	8/11/2022 22:17	8/11/2022 23:21	28893 VIOLATION		3-82-38.4(c)
4	COMPLAINT	8/11/2022 22:17	8/11/2022 23:21	28893 VIOLATION		3-82-38.4(c)
4	COMPLAINT	8/11/2022 22:17	8/11/2022 23:21	28893 VIOLATION		3-82-38.4(c)
2	NORMAL INVESTIGATION	8/11/2022 23:51	8/11/2022 0:00	0 PASS		
2	NORMAL INVESTIGATION	8/11/2022 23:51	8/11/2022 0:00	0 PASS		
2	NORMAL INVESTIGATION	8/11/2022 1:45	8/11/2022 2:09	0 PASS		
2	NORMAL INVESTIGATION	8/11/2022 1:45	8/11/2022 2:09	0 PASS		

Twice on same night:
22:17, then 22:51

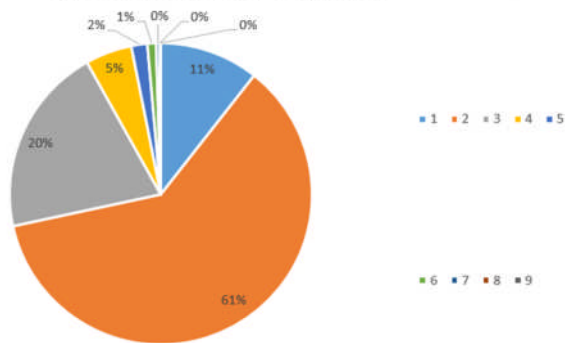
Time in reverse

Two visits by two
of the four
investigators:
23:51, then 1:45

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Multiple Investigators Reporting Same Activities

Inspections by number of Inspectors



# of Investigators	# of Entries
1	5302
2	30520
3	10122
4	2493
5	853
6	463
7	188
8	52
9	10
Grand Total	50003

Reasons Given for Number of Investigators

# of Investigators	# of Entries	Reason
1	5302	Serving legal or audit papers
2	30520	Routine partnering
3	10122	Odd number of inspectors available
4	2493	Sound meter set up; larger/crowded venues
5	853	537 (63%) "Unlicensed Premises"; 145 dispensers; 119 restaurants
6	463	401 (87%) "Unlicensed Premises"; 25 restaurants, 21 dispensers
7	188	All but three "Unlicensed Premises"
8	52	All but one "Unlicensed Premises"
9	10	All "Unlicensed Premises"

"Unlicensed Premises" coding include a variety of activities ranging from return to office to filling up car with gas to area patrols.

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Multiple Investigators

Investigator name	Partner1	Partner2	Service Type	Licensee Name	Date	Time-in	Time-out	Comments
INVESTIGATOR D	INVESTIGATOR E	N/A	NORMAL INVESTIGATION	BERNINI RESTAURANT GROUP, INC.	2/2/2023	02:19	02:19	Closed
INVESTIGATOR G	INVESTIGATOR C	INVESTIGATOR B	NORMAL INVESTIGATION	BERNINI RESTAURANT GROUP, INC.	2/2/2023	02:19	02:19	Closed
INVESTIGATOR B	INVESTIGATOR C	INVESTIGATOR G	NOT-SPECIFIED	BERNINI RESTAURANT GROUP, INC.	2/2/2023	02:19	02:19	Closed

5 Investigators

Post 2am drive-by

Only three entries: should have been five

Different "Service Type" coding

3/18/2023 Four investigators with identical time entries*

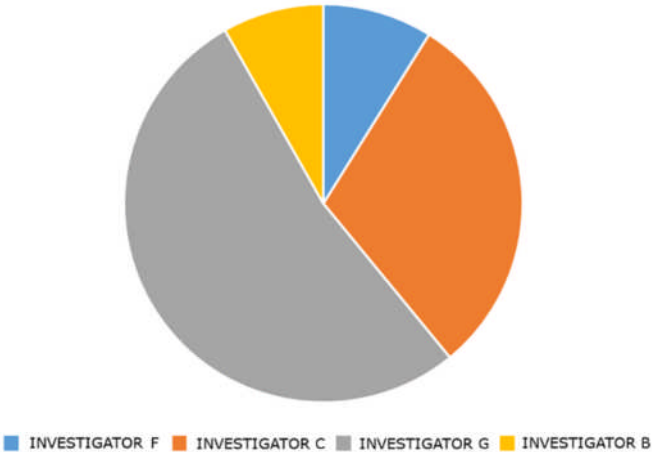
License #	Class	Zip Code	Investigator	Partner1	Partner2	Partner3	Service Type	Time-In	Time-out
D1309	RETAIL	96815	INVESTIGATOR B	INVESTIGATOR C	INVESTIGATOR D	INVESTIGATOR F	AUDIT FINDINGS	20:12	20:19
D1309	RETAIL	96815	INVESTIGATOR D	INVESTIGATOR C	INVESTIGATOR B	INVESTIGATOR F	NORMAL INVESTIG	20:12	20:19
D1309	RETAIL	96815	INVESTIGATOR F	INVESTIGATOR C	INVESTIGATOR D	INVESTIGATOR B	AUDIT FINDINGS	20:12	20:19
D1309	RETAIL	96815	INVESTIGATOR F	INVESTIGATOR C	INVESTIGATOR D	INVESTIGATOR B	AUDIT FINDINGS	20:12	20:19
R1458	RESTAURANT	96826	INVESTIGATOR B	INVESTIGATOR C	INVESTIGATOR D	INVESTIGATOR F	FINDING OF FACT -	20:24	20:31
R1458	RESTAURANT	96826	INVESTIGATOR F	INVESTIGATOR C	INVESTIGATOR D	INVESTIGATOR B	FINDING OF FACT -	20:24	20:31
R1458	RESTAURANT	96826	INVESTIGATOR D	INVESTIGATOR C	INVESTIGATOR B	INVESTIGATOR F	FINDING OF FACT -	20:24	20:31
X8888	UNLICENSED PREMISE	96815	INVESTIGATOR F	INVESTIGATOR C	INVESTIGATOR D	INVESTIGATOR B	NORMAL INVESTIG	20:24	21:12
X8888	UNLICENSED PREMISE	96815	INVESTIGATOR D	INVESTIGATOR C	INVESTIGATOR B	INVESTIGATOR F	SPECIAL EVENT	20:43	21:12
X8888	UNLICENSED PREMISE	96815	INVESTIGATOR B	INVESTIGATOR C	INVESTIGATOR D		Being at two places at the same time		
R1018	RESTAURANT	96817	INVESTIGATOR D	INVESTIGATOR C	INVESTIGATOR B				
R1018	RESTAURANT	96817	INVESTIGATOR F	INVESTIGATOR C	INVESTIGATOR D	INVESTIGATOR B	FINDING OF FACT -	21:18	21:26
R1330	RESTAURANT	96701	INVESTIGATOR F	INVESTIGATOR C	INVESTIGATOR D	INVESTIGATOR B	FINDING OF FACT -	21:54	22:00
R1330	RESTAURANT	96701	INVESTIGATOR D	INVESTIGATOR C	INVESTIGATOR B	INVESTIGATOR F	FINDING OF FACT -	21:54	22:00
R1330	RESTAURANT	96701	INVESTIGATOR B	INVESTIGATOR C	INVESTIGATOR D	INVESTIGATOR F	FINDING OF FACT -	21:54	22:00
R1018	RESTAURANT	96817	INVESTIGATOR B	INVESTIGATOR C	INVESTIGATOR D	INVESTIGATOR F	FINDING OF FACT -	21:54	22:00
E0634	DISPENSER	96817	INVESTIGATOR F	INVESTIGATOR C	INVESTIGATOR D	INVESTIGATOR B	FINDING OF FACT -	22:16	22:25
E0634	DISPENSER	96817	INVESTIGATOR B	INVESTIGATOR C	INVESTIGATOR D	INVESTIGATOR F	FINDING OF FACT -	22:16	22:25
E0634	DISPENSER	96817	INVESTIGATOR D	INVESTIGATOR C	INVESTIGATOR B	INVESTIGATOR F	FINDING OF FACT -	22:16	22:25
R1085	RESTAURANT	96817	INVESTIGATOR D	INVESTIGATOR C	INVESTIGATOR B	INVESTIGATOR F	FINDING OF FACT -	22:30	22:43
R1085	RESTAURANT	96817	INVESTIGATOR F	INVESTIGATOR C	INVESTIGATOR D	INVESTIGATOR B	FINDING OF FACT -	22:30	22:43
R1085	RESTAURANT	96817	INVESTIGATOR B	INVESTIGATOR C	INVESTIGATOR D	INVESTIGATOR F	FINDING OF FACT -	22:30	22:43
E0226	DISPENSER	96813	INVESTIGATOR B	INVESTIGATOR C	INVESTIGATOR D	INVESTIGATOR F	FINDING OF FACT -	22:48	22:55
E0226	DISPENSER	96813	INVESTIGATOR D	INVESTIGATOR C	INVESTIGATOR B	INVESTIGATOR F	FINDING OF FACT -	22:48	22:55

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*Four inspectors appeared to have spent most of the evening serving legal papers. There are no entries past midnight (no entries for 3/19/2023). There are, however, entries between 0:00-3:00 for 3/18/2023, indicating either activities on the prior night or entry error in date.

Retroactive Entry Modification

Days	Entries
34	18
35	31
36	8
37	11
38	11
39	16
40	15
41	11
70	13
82	12
Total	146



DARs entered or modified 1/1/2023 – 4/30/2023 for a date more than 30 days prior to the entry/modification date

The Strange Case of 1/22/2023 Entries

Total of 13 entries involving two investigators: INVESTIGATOR G and INVESTIGATOR F

DAR data produced in March 2023

- 1/22/2023 entries listing INVESTIGATOR F as Investigator and INVESTIGATOR G as partner.
- No corresponding entry listing INVESTIGATOR G as investigator and INVESTIGATOR F as partner.
- Identical entries dated 2/22/2023, listing INVESTIGATOR G as investigator and INVESTIGATOR F as partner.
- As of 1/22/2023: INVESTIGATOR F was not working at LIQ and was out of state

Interviews where questions were asked about the 1/22/2023 entries

- 4/5/2023: INVESTIGATOR F interviewed
- 5/3/2023: INVESTIGATOR G interviewed

5/17/2023 DAR data query

- 1/22/2023 entries no longer existed
- Now includes 2/22/2023 entries listing INVESTIGATOR F as investigator and INVESTIGATOR G as partner, with "complete" (submit/edit) date of 5/3/23 (70 days after the work date and same day as Investigator G's interview)

Questions*

- Who made the 1/22/2023 entries? Who removed them?
- Why did it take INVESTIGATOR F 70 days to add the 2/22/2023 entries?*
- If INVESTIGATOR F had mis-keyed 2/22 as 1/22 and corrected it after being interviewed, why wait four weeks to make the correction on the same day INVESTIGATOR G was interviewed?

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*This matter has been referred to HPD

**Investigator F has no other DAR entries that are entered/modified more than 7 days past the work date.

Enforcement Patterns

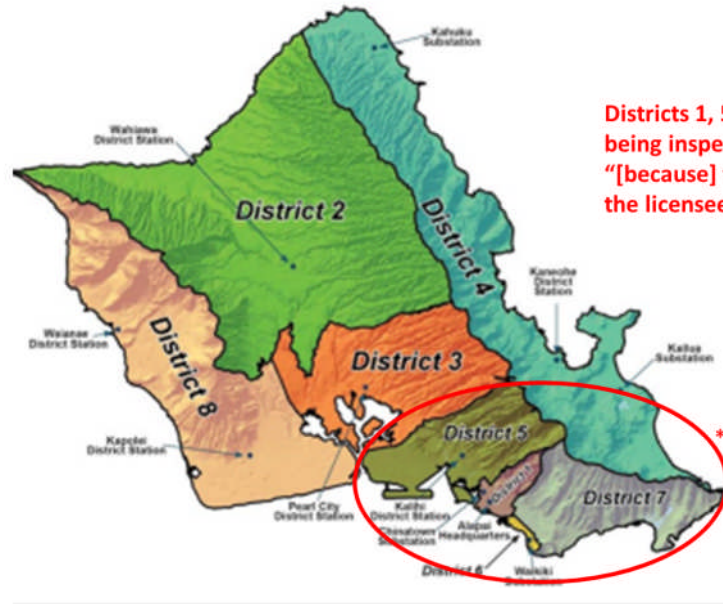
Some high level observations

CAVEAT

Due to multiple data issues, including those shown in the prior section:

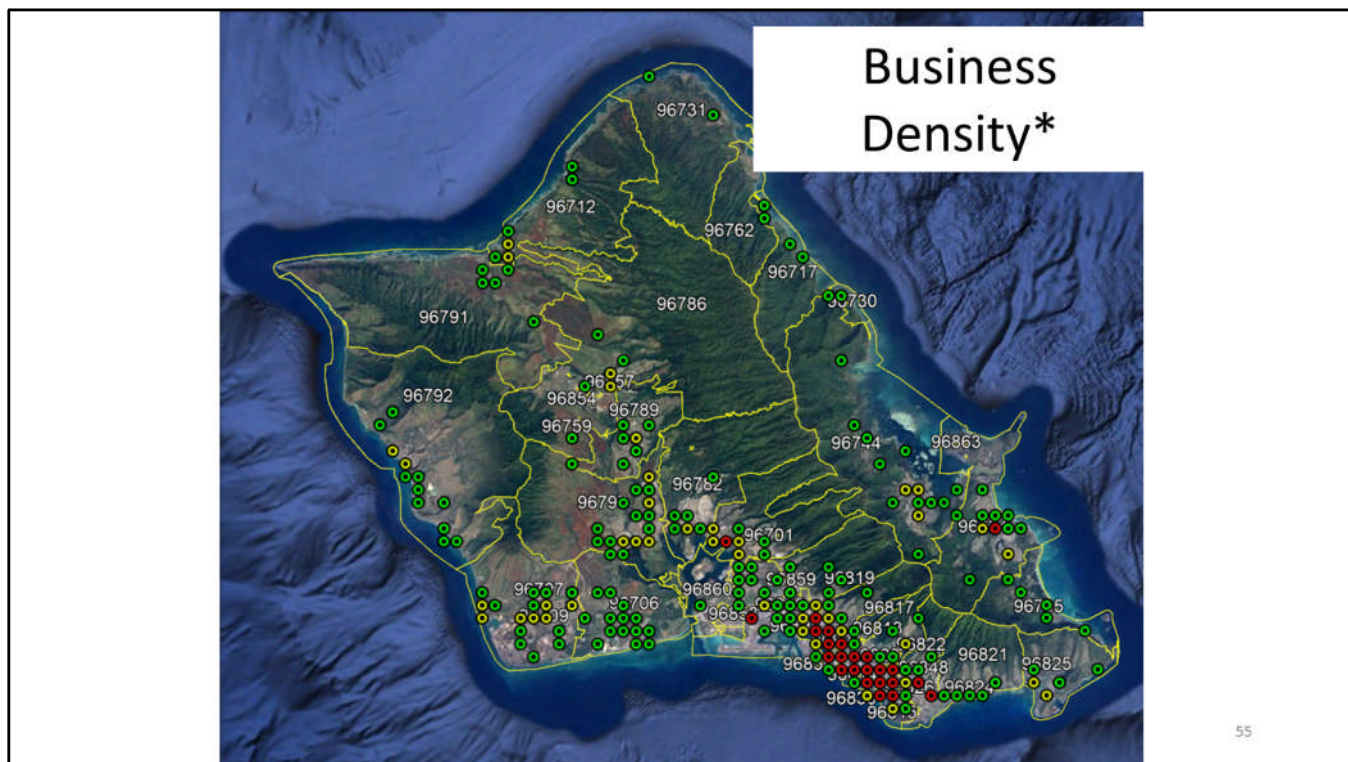
- The Review Team is using the data it received from LIQ to demonstrate only broad patterns, proportionality, and relativity.
- The numbers shown in this section (e.g. number of businesses, inspections, investigators) may contain duplications or other data issues, and should not be presumed to be absolute or precise.
- Unless otherwise stated, the date range for the data shown in this section (slides 52-75) is 1/4/2016 through 3/22/2023. This range includes licenses that may have expired in 2023, businesses that may no longer be in operation in 2023, and investigators who are no longer working at LIQ as of March 2023.

Map of O'ahu Police Districts and Police Stations



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*The two zones between Districts 5 and 7 are Districts 1 (between Districts 5 and 7) and District 6 (lower left corner of District 7).



*Data only for businesses that held a valid license for at least 180 days from 1/4/2016 through 3/22/2023, excluding "UNLICENSED", "SPECIAL", and "SPECIAL NON FEE".

Green = 1 to 5 businesses in 1km grid
 Yellow = 6 to 20 businesses in 1km grid
 Red = more than 20 businesses in 1km grid

WHERE Are the Licensed Businesses and Inspections?

Zip Code*	Businesses**	Inspections***	Inspections per Business	Licensed Business Days****	Licensed Business Days per Inspection
96815	343	5284	15.41	783960	148.36
96814	284	5827	20.52	609336	104.57
96817	160	4558	28.49	406483	89.18
96826	99	2165	21.87	238458	110.14
96813	125	1952	15.62	234805	120.29
96816	106	1812	17.09	214745	118.51
96819	73	469	6.42	179289	382.28
96797	61	1195	19.59	164955	138.04
96734	74	947	12.80	162117	171.19
96707	77	1064	13.82	139391	131.01
96701	65	1204	18.52	127706	106.07
96744	53	714	13.47	122493	171.56
96782	38	1027	27.03	81475	79.33
96792	35	275	7.86	79588	289.41
96786	31	449	14.48	78938	175.81
96789	26	330	12.69	58636	177.68
96825	24	716	29.83	54560	76.20
96712	30	489	16.30	52773	107.92
96706	20	279	13.95	48308	173.15
96822	17	179	10.53	41503	231.86
96818	18	310	17.22	35637	114.96
96821	12	93	7.75	34078	366.43

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*This chart does not include 8 zip codes that all had fewer than 10 licensed businesses.

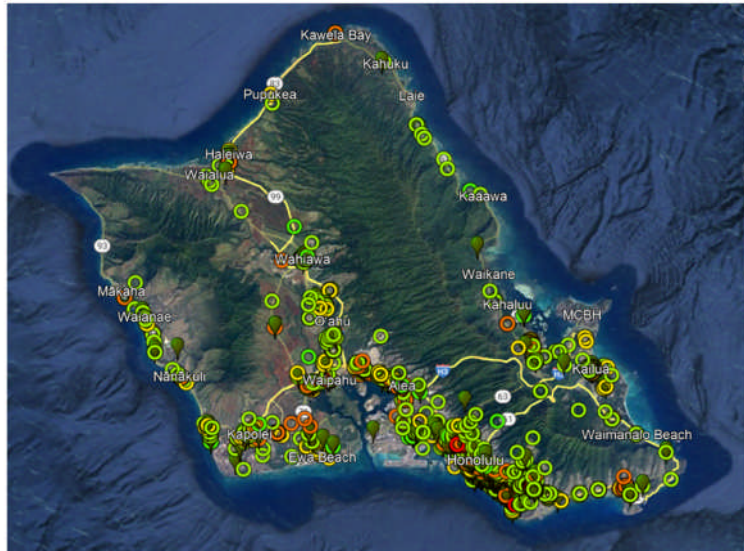
**Businesses = unique licensed business locations

***Inspections = DAR entries coded as "NORMAL INVESTIGATION"

****Licensed Business Days = sum of days all the businesses in the zip code held valid licenses

Highlighted pairs compare zip codes with similar number of businesses with dissimilar number of "Licensed Business Days per Inspection". It should be noted that the date range (1/4/2016 through 3/22/2023) may include businesses that were not open during that entire period.

WHERE: Frequently vs. Never Inspected*



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*This is a visualization of the businesses with various frequencies of “NORMAL INVESTIGATION”-coded DAR entries.

Solid Green Dot = no “Normal Investigation” DAR entry

Green Circle = no more than 1 “Normal Investigation” DAR entry for every 180 days licensed

Yellow Circle = between 1-2 “Normal Investigation” DAR entries for every 180 days licensed

Orange Circle = between 2-6 “Normal Investigation” DAR entries for every 180 days licensed

Red Circle = more than 6 “Normal Investigation” DAR entries for every 180 days licensed

“SPECIAL”, “SPECIAL NON FEE”, and “UNLICENSED” licensee classes have been excluded. Businesses that did not hold a valid license for at least 180 days during the time range are also excluded.

WHO Are the Frequently vs. Never Inspected Businesses?*

Business Class**	Businesses w/ over 1 Inspection*** per 30 days
DISPENSER	48
RESTAURANT	14
CABARET	2
RETAIL	1
HOTEL	1
Grand Total	66

Business Class**	Businesses w/ 0 Inspections***
RESTAURANT	125
RETAIL	92
DISPENSER	30
WHOLESALE	26
TOUR/CRUISE VESSEL	18
TRANSIENT VESSEL (DAY)	11
CATERER	9
HOTEL	7
MANUFACTURER	5
SMALL CRAFT PRODUCER PUB	3
CLUB	3
CONDOMINIUM HOTEL	1
TRANSIENT VESSEL (YEAR)	1
CATERER (FOOD SERVICE)	1
BREW PUB	1
Grand Total	333

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*This slide is based on the same data criteria as the prior slide.

**Business classes "SPECIAL", "SPECIAL NON FEE", and "UNLICENSED" have been excluded. Businesses that did not hold a valid license for at least 180 days during the time range are also excluded.

***"Inspection" = DAR entries coded as "NORMAL INVESTIGATION"

WHO Are Getting Inspections*/Warnings**/Violations***?

Business Class	Businesses****	Inspections	Warnings	Violations	Inspections per Business	Warnings per Business	Violations per Business	Warnings per Inspection	Violations per Inspection
BREW PUB	17	376	9	21	22.12	0.53	1.24	0.02	0.06
CABARET	26	866	21	96	33.31	0.81	3.69	0.02	0.11
CATERER	34	50	0	0	1.47	0.00	0.00	0.00	0.00
CATERER (FOOD SERVICE)	1	0	0	1*****	0.00	0.00	1.00	N/A	N/A
CLUB	13	67	7	33	5.15	0.54	2.54	0.10	0.49
CONDOMINIUM HOTEL	2	6	1	2	3.00	0.50	1.00	0.17	0.33
DISPENSER	327	11949	336	1147	36.54	1.03	3.51	0.03	0.10
HOTEL	53	1065	58	108	20.09	1.09	2.04	0.05	0.10
MANUFACTURER	12	21	4	10	1.75	0.33	0.83	0.19	0.48
RESTAURANT	819	10736	427	1224	13.11	0.52	1.49	0.04	0.11
RETAIL	564	6421	195	525	11.38	0.35	0.93	0.03	0.08
SMALL CRAFT PRODUCER PUB	7	81	6	12	11.57	0.86	1.71	0.07	0.15
SPECIAL	21	36	0	4	1.71	0.00	0.19	0.00	0.11
SPECIAL NON FEE	30	39	2	7	1.30	0.07	0.23	0.05	0.18
TOUR/CRUISE VESSEL	15	13	0	15	0.87	0.00	1.00	0.00	1.15
WHOLESALE	24	28	4	31	1.17	0.17	1.29	0.14	1.11
Grand Total	1965	31754	1070	3236	16.16	0.54	1.65	0.03	0.10

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*Inspections = DAR entries coded as "NORMAL INVESTIGATION"

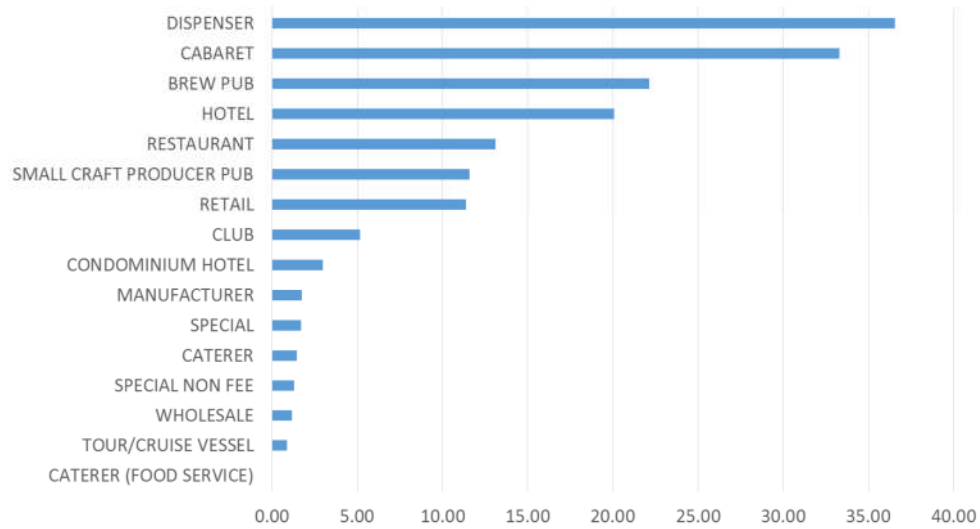
**Warnings = DAR entries with Notice Type of "WARNING"

***Violations= DAR entries with Notice Type "VIOLATION"

****Businesses = unique licensed business locations

*****1 Violation for "LATE GLS" without any DAR entries for "NORMAL INVESTIGATION"

Inspections* per Business**

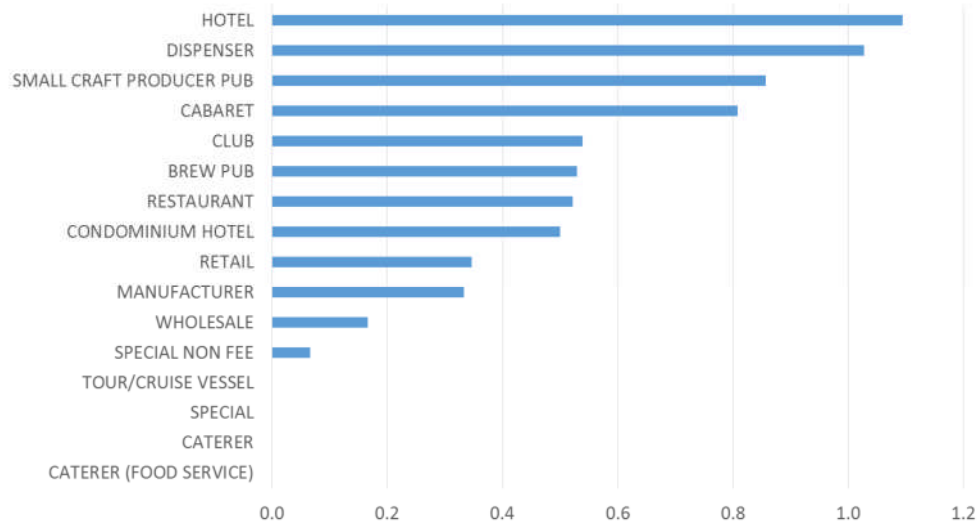


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*Inspection = DAR entries coded as "NORMAL INVESTIGATION"

**Businesses = unique licensed business locations

Warnings* per Business**

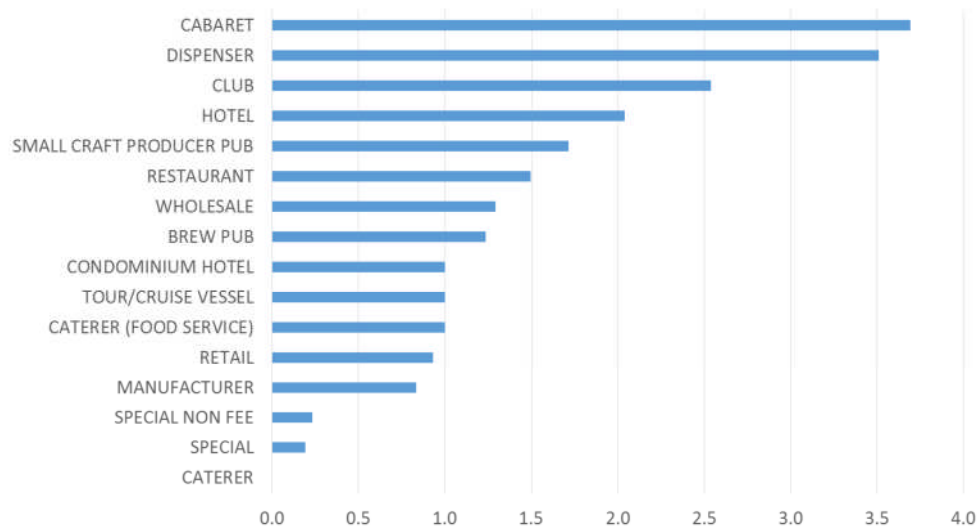


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*Warnings = DAR entries with Notice Type "WARNING"

**Businesses = unique licensed business locations

Violations* per Business**

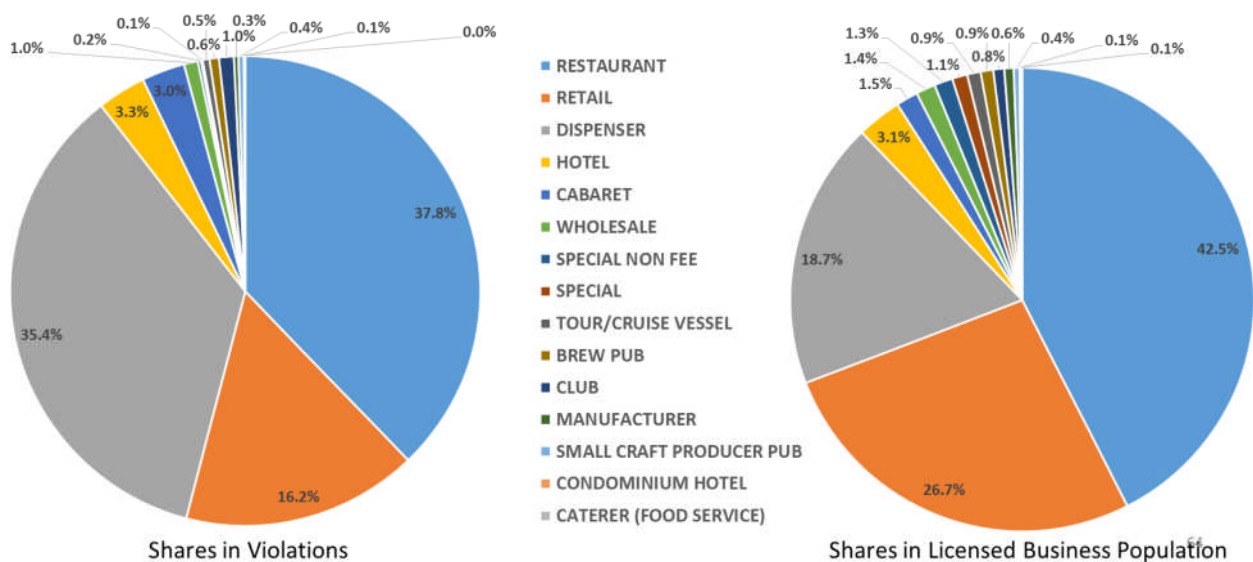


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*Violations = DAR entries with Notice Type "VIOLATION"

**Businesses = unique licensed business locations

Proportionate Shares of Violations*?



*Violations = DAR entries with Notice Type "VIOLATION"

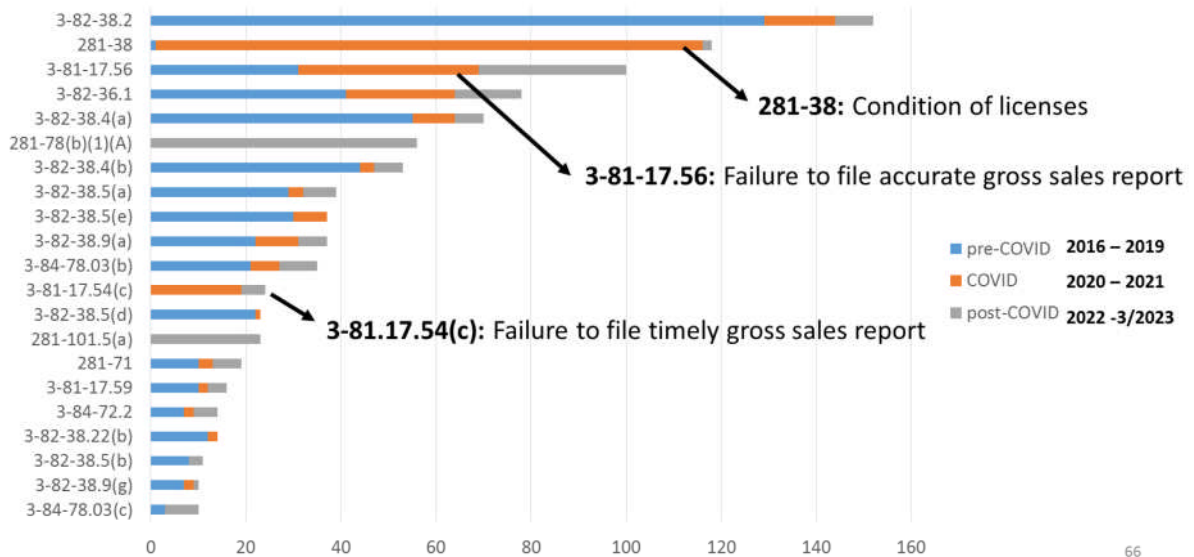
For WHAT Have Warnings* Been Issued? Top 10

Code	Description	Times Issued	% of total
3-82-38.2	No current law book available on premises	152	14%
281-38	Condition of licenses	118	11%
3-81-17.56	Failure to file accurate gross sales report	100	9%
3-82-36.1	Display of prices in retail premises	78	7%
3-82-38.4(a)	No/inadequate time records	70	7%
281-78(b)(1)(A)	Selling/furnishing liquor to minor	56	5%
3-82-38.4(b)	Inadequate time records	53	5%
3-82-38.5(a)	Non-registration of employees	39	4%
3-82-38.5(e)	Failure of employee to have registration card available while on duty	37	3%
3-82-38.9(a)	No manager on duty	37	3%

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*Warnings = DAR entries with Notice Type "WARNING"

Warnings* Pre-, During, and Post-COVID



*Warnings = DAR entries with Notice Type “WARNING”

This chart includes the top 20 Warning types, with 3-82.38.9(g) and 3-84-78.03(c) tied for the 20th place each with 10 Warnings.

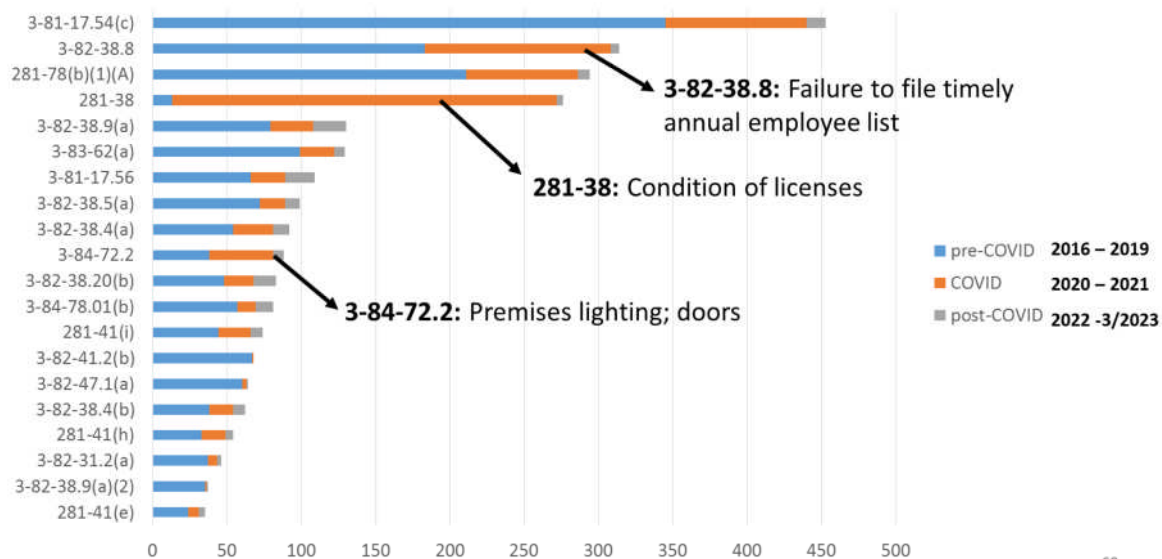
For WHAT Have Violations* Been Issued? Top 10

Code	Description	Times Issued	% of total
3-81-17.54(c)	Failure to file timely gross sales report	453	14%
3-82-38.8	Failure to file timely annual employee list	314	10%
281-78(b)(1)(A)	Selling/furnishing liquor to minor	294	9%
281-38	Condition of licenses	276	8%
3-82-38.9(a)	No manager on duty	130	4%
3-83-62(a)	Alterations w/o prior commission approval	129	4%
3-81-17.56	Failure to file accurate gross sales report	109	3%
3-82-38.5(a)	Non-registration of employees	99	3%
3-82-38.4(a)	No/inadequate time records	92	3%
3-84-72.2	Premises lighting; doors	88	3%

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*Violations" = DAR entries with Notice Type "VIOLATION"

Violation* Pre-, During, and Post-COVID



*Violation = DAR entries with Notice Type "VIOLATION"

Warning vs. Violation

Official Policy

May 15, 2006

Violations and Warnings

Policy Number AP-25
Page 2

2. Personnel should issue warnings in lieu of a notice of violation when a first time violation is detected and the violation is not connected to another more serious violations, e.g., employee drinking on duty, no manager on duty. The specific fact(s) substantiating the violation shall be stated on the investigator's Daily Activity Report. Such facts include, but are not limited to, the name of the unregistered employee, the name of the employee with the inadequate time record, why the time record was inadequate, etc. However, N.O.V. may be issued if the circumstances are warranted. Written warnings should be issued in lieu of a N.O.V. in the following circumstances:
- No copy of the Liquor Commission's rules on premises;
 - Use of unauthorized trade name;
 - Inadequate time records;
 - Non-registration of employees;
 - No posted sign warning minors;
 - Unauthorized exterior or window signs;
 - No DUI penalty sign.

Informal Protocol Description

WRITTEN WARNINGS

Warnings can be written for violations that are not considered "serious" violations. Examples of serious violations would be:

- * No Manager in Charge of Premises
- * Drinking on Duty
- * Service or Sale to a Minor
- * After or Before Hours Sale or Consumption

Same “Offense”, Different Outcome?*

Rule Code: 3-82-38.9(a): No manager on duty

Warning Only (28)	Violation w/ 6 mo of Warning (3)	Violation Only (103)
Restaurant – 20	Restaurant - 2	Restaurant - 67
Dispenser - 4	Hotel - 1	Dispenser - 29
Hotel - 3		Hotel - 4
Retail - 1		Cabaret - 1
		Club - 1
		Retail - 1

*Count is by unique business locations, not warning/violation: a licensed business location can have multiple warnings/violations.

Same Rule, Different Outcome?*

Rule Code: 3-84-72.2: Premises lighting, door

Warning Only (10)	Violation w/ 6 mo of Warning (2)	Violation Only (67)
Restaurant - 7	Dispenser - 2	Dispenser - 40
Dispenser - 2		Restaurant - 22
Brew Pub - 1		Cabaret - 2
		Hotel - 1
		Retail - 1
		Craft Pub - 1

*Count is by unique business locations, not warning/violation: a licensed business location can have multiple warnings/violations.

Same Rule, Different Outcome?*

Rule Code: 3-82-38.4(a): No/inadequate time records

Warning Only (42)	Violation w/ 6 mo of Warning (7)	Violation Only (55)
Dispenser - 20	Restaurant - 4	Dispenser - 30
Restaurant - 19	Dispenser - 3	Restaurant - 19
Cabaret - 2		Cabaret - 2
Brew Pub - 1		Club - 2
		Hotel - 1
		Craft Pub - 1

*Count is by unique business locations, not warning/violation: a licensed business location can have multiple warnings/violations.

Key Observations

- Night-time inspections builds in bias towards night-time establishments
- Lack of consistent and data-driven methodology creates inconsistent and inefficient enforcement patterns
- Lack of clear policies and procedures creates inconsistent enforcement outcomes
- Paper-based and inconsistently coded DAR system creates unreliable data for analysis
- Electronic DAR system vulnerable to retroactive modifications
- Multiple paper-based systems impedes ability to track records across data sets: DAR data, vehicle data, time sheets, complaints
- Lack of reliable data prevents ability to use data to ensure consistency and to monitor enforcement activities

COVID Shut Downs: the Perfect Storm

Complaints reportedly spiked

Constantly changing rules: recollection from investigators

- Liq sale to stop by midnight > by 10pm
- No intermingling > can intermingle within same household > 5 ok > 10 ok
- Need to mask if not eating > only mask if walking around
- Any of these could cause shut down

Authority Training-Experience:

- Enforcing public health rules (masking, social distancing, contact tracing)
- Only establishments with liquor license are subjected to enforcement by LIQ
- No training or experience in enforcing these rules

No standard or guidance on the exercise of discretion

- Some recalled being told to "use your judgment"
- Some recalled being told "3 or more violations = shutdown": nothing in writing

Other Enforcement Questions

Unlicensed premises

- Limited enforcement authority by LIQ
- Which entity can/should enforce against unlicensed *establishments*, not just individuals?

Shoulder taps

- To what extent are citations sustained?
- How to hold licensees accountable?

Complaint Handling

What is the process for handling complaints against Liquor Commission and Administration staff?

Complaint Handling

No tracking system except for complaints against licensees

Front desk forwards complaints against Enforcement to Enforcement

No evidence of consistent or meaningful follow up

No ability to investigate

Complaint Policies & Procedures

- AP-2 (1989): "The Liquor Control Administrator shall have all complaints or allegations regarding personnel assigned to the Liquor Commission investigated, referred to the Liquor Commission." **Does not say how or by whom.**
- AP-15 (1996): mandates monthly reporting of "complaints that have not been completed." Does not distinguish between complaints against LIQ personnel vs. others. **Superseded by P-01 in 2006, but still listed with no notation that it has been superseded.**
- AP-44 (2006): Specifically addressing complaints against LIQ "Commission or its employees...". Imposes a one-year "statute of limitation" on administration investigation. Requires notarization of complaint. Mandates 60-day cycle time. Reference to "complaint tracking number." **Silent on who is to conduct or track investigations.**
- P-1 (2006): supersedes AP-15. **Does not appear to contemplate complaint against LIQ personnel.**

Complaint Practices

- Complaint Sources: website form, complaint line, front desk, legislator or mayor, letter, other LIQ employees.
 - Front desk is to guide complainants to form or hotline.
- No tracking of complaints against Commissioner or LIQ personnel. Examples:
 - Complaints to Front Counter about Enforcement: information emailed to Enforcement, cc Management*. No corresponding entries in Enforcement tracking. No Management tracking.
 - 3/5/2021 anonymous call alleging two HLC's lead investigators were protecting a particular licensee.
 - 4/7/2021 call complaining about the Enforcement officer who issued violation to the caller.
 - City Document and Record Tracking System (DART) – emails to the Mayor
 - DART tracks only the occurrence of response. 5/13/2021 email to Mayor complaining that LIQ "is overstepping their authority." Lead investigator response: "If you would like to contest the violation, you may do so upon receipt of the Notice of Hearing." Matter closed in DART.
 - 8/15/2022 a licensee complained by email to a Licensing employee about not having received a warning before getting violation for a technical violation. Email forwarded to Management. No tracking.
- Enforcement only tracks complaints against licensees, on a spreadsheet not linked to DAR entries.
- Records of complaints and investigations are kept in paper files, CDs, and emails.

*One employee indicated that this refers to the "BFS/LIQ Administration" email, and believes that the Administrator, Administrative Services Officer, and the Chief Liquor Control Investigator have access to this email.

Investigations

- Currently no internal investigation capacity
 - An “Internal Affairs” contractor served from circa 2016 and retired 10/31/2022.
 - There had been two predecessors before her.
- Investigation now outsourced to a city vendor
- Reviewed two vendor reports relating to internal complaints:
 - One was further outsourced to a subcontractor: contained only recitation of allegations and admissions.
 - The other interviewed minimal number of witnesses with minimal questions, and made conclusions unsupported by the interview statements in the report.
 - Neither demonstrated any investigative work beyond interviewing witnesses; no indication of any attempt to verify anything with document or data.
 - DAR data contradicts the statement of at least one witness

Recommendations

System Limitations in Considering Recommendations

Human Resource and Civil Service Systems

- Centralized/standardized recruitment, evaluation, promotion system and processes
- Confidential disciplinary records: even direct supervisors are reportedly NOT informed of findings and results.*
- Long grievance process: Grievances filed 12/1/21 and 9/12/22 were still pending selection of arbitrator as of 3/20/2023.

Procurement

- Lengthy process to procure products and services, including investigation and training services

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*One supervisor reported asking about disciplinary action against a member of the supervisor's team: "How can I supervise without knowing what's going on?" and reported being told: "You don't need to know." The question and answer reportedly occurred between the supervisor and the supervisor's supervisor.

Ongoing Improvements

Training

- Supervisors to attend meeting of National Liquor Law Enforcement Association (NLLEA) in October 2023

Technology

- Pending request for body cameras, iPads and iPhones
- New Licensing Dashboard
- Liquor Control Information System II – Upgraded system expected to be able to randomize inspection selection

Investigation

- Investigation of pending complaints in procurement process
- City-wide ombudsperson/investigation capacity being established

Recommendation: Categories & Goals

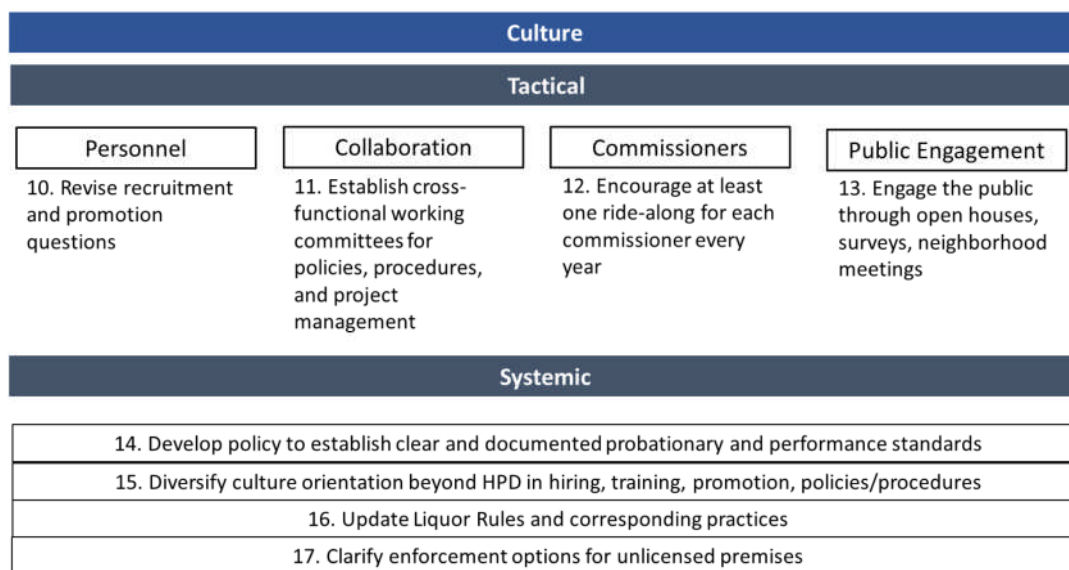
Focus on (1) what can *realistically* be accomplished in the *near term* (12 months); (2) tasks requiring minimal dependencies on stakeholders outside of LIQ; and (3) improvements of pressing need.

Technology	Training	Investigations	Enforcement Practices	Policies & Procedures	Culture
<ul style="list-style-type: none">• Collect reliable data to monitor and drive performance	<ul style="list-style-type: none">• Focus on liquor enforcement best practices	<ul style="list-style-type: none">• Track complaints and monitor progress	<ul style="list-style-type: none">• Ensure data-driven consistency in Enforcement activities	<ul style="list-style-type: none">• Update policies & procedures and corresponding practices	<ul style="list-style-type: none">• Build trust, consistency, and collegiality

Tactical			
Technology	Training	Enf. Practices	Investigations
1. Replace manual DAR input and paper sign-in with GPS tracking apps 2. Ensure ability to randomize and equalize inspections	3. Bring NLLEA and/or other municipal liquor enforcement trainers to conduct annual training for all investigators in Honolulu	4. Implement AP-54: 50-50 Licensing-Enforcement split for Investigator IIIs 5. Add day-time shifts 6. Implement monthly Enforcement data review 7. Track criminal citations outcome	8. Implement centralized complaint tracking system, with designated owner
Systemic			
9: Policies & Procedures Update to include the following*			
Develop policy to mandate randomized inspection method	Update AP-93 (monthly production of 12-month plan) to require annual training plan	Update/develop policy to mandate regular rotations for investigators for different shifts and assignments	Update policy and procedures to establish clear process and ownership for handling complaints
Remove outdated and duplicated policies and procedures			

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*It is recommended that the policies and procedures update be conducted by a committee, consistent with Recommendation 11 on the next slide. The committee should include LIQ internal stakeholders (Enforcement, Licensing, Audit, Front Desk, Training, IT) and COR, and be chaired by an external expert with experience in liquor administration from at least one state outside of Hawaii. This combination would leverage best practices from the broader (national) liquor enforcement community, but also ensures input of those who would be governed by these policies and procedures in their daily operations. Stakeholders that currently have tense relationships with each other will have an opportunity to work together constructively, with their differences mediated by an external expert. The committee should also involve other stakeholders with relevant subject matter expertise on specific types of policies and procedures. For example, the city ombudsperson/investigator office (to be established) should be consulted in policies and procedures relating to complaint handling. Committee membership need not be restricted to supervisors.



Questions to Ask in Policies and Procedures Revision

WHY is this policy/procedure necessary?

WHAT is this policy/procedure intended to accomplish? WHAT are the specific tasks involved in accomplishing the intended outcome? WHAT resources are necessary to implement this policy/procedure?

WHO will be responsible for ensuring this policy/procedure is implemented? WHO specifically will be responsible for each of the tasks mandated by this policy/procedure?

HOW will people be held accountable for this policy/procedure?

WHEN will this policy/procedure be reviewed for update?

WHERE will people find this policy/procedure?

We've Been Here Before: Prior Audits

2005 Audit (Report No. 05-02)

- 15 Recommendations

2019 Follow Up (Report No. 19-05): 4 Remained "In Progress"

- Reorganization plan
- BFS Internal Control review of processes and practices relating to auditing and allocation and utilization of liquor violation fines
- Fill vacant staff positions
- Review and update of policies and procedures

Lesson: Recommendations die without

- Commitment, leadership, resources, project management, accountability

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Stakeholders & Tasks Involved*

Number**	Recommendations	Stakeholders	Tasks
1	Automate DARs	DIT, Enforcement, (Procurement)	Research options Coordination with DIT Build/procure
2	Randomize and equalize inspections	Commission, Management, Enforcement, DIT	Design, test, implement, and monitor algorithms
3	Bring out-of-state trainers	Management, (Procurement)	Explore options with NILEA and other municipalities Explore procurement/recruitment options Implementation logistics
4	Implement AP-54	Management, Enforcement, Licensing	Scheduling
5	Add day-time shifts	Management, Enforcement, DHR, union	Scheduling
6	Implement monthly data review	Commission, Management, DIT	Design and implement data dashboard Build and implement regular review process
7	Track criminal citations	LIQ, Prosecuting Attorney	Obtain data and develop tracking system
8	Implement centralized complaint tracking	Management, DIT, (Procurement)	Design, (procure,) and implement system
9	Update policies, procedures, and protocols	Commission, all LIQ units, COR	Review, revise, approve
10	Revise promotion questions	Management	Review, revise, approve
11	Establish internal working committees	Management	Define committee tasks and assignments
12	Commissioner ride-alongs	Commission, Management	Coordinate and schedule ride-alongs
13	Public engagement	Commission, Management, Communications	Identify strategy, methods, forums Implement engagement strategy
14	Probationary and performance standards	Management, DHR, union	Draft standards Obtain stakeholder buy-in
15	Diversify culture orientation beyond HPD	Commission, Management	Ongoing
16	Review Liquor Rules for updates	Commission, LIQ, COR	Review, revise, approve
17	Clarify unlicensed premises enforcement	Commission, LIQ, HPD	Convene stakeholder meetings

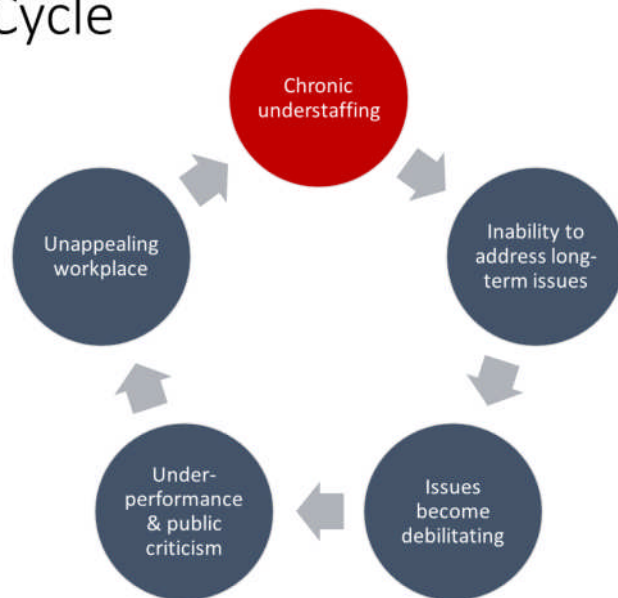
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*This is intended as a preliminary overview of stakeholders and tasks that may be involved in the implementation of the recommendations. It should not be considered to be an exhaustive list or a project management document. A project management document should – at minimum - include specific objectives and its associated stakeholders, tasks, timeline, and owners.

**Recommendations are listed in the order they are numbered on slides 85-86. This order does not reflect importance or estimated difficulty or any other consideration than how they fit the layout of slides 85-86.

Breaking the Vicious Cycle

To meet the needs for human resource and professional expertise in implementing the recommendations, LIQ might explore the options of contracting personal services of experts recommended by NLLEA as well as requesting liquor control personnel from other states and municipalities for short-term (1-2 months) secondments in Honolulu.



Suggested Next Steps

Commitment

- Commission to select recommendations for adoption and establish priorities and timelines for implementation

Leadership

- Commission to recruit Administrator aligned with its vision

Resources

- Administration to contract temporary services of experienced liquor administrators and investigators through NLLEA and/or other state/county liquor enforcement agencies

Project management

- Administration to identify/recruit project manager to implement recommendations
- Administration to prepare project plan with specific tasks, owners, and timelines

Accountability

- Commission to commit to three-year plan for implementing adopted recommendations, with quarterly updates pre-scheduled in Commission schedule

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